

# Local Government Act 2000 c. 22

## s. 9F Overview and scrutiny committees: functions



Law In Force

Version 2 of 2

27 March 2012 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Local authorities; Overview and scrutiny committees; Powers rights and duties

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### 9F Overview and scrutiny committees: functions

(1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Chapter as overview and scrutiny committees).

(2) Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, and any joint 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 which are the responsibility of the executive,

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

(e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area [.]<sup>2</sup>

[...]<sup>2</sup>  
(3) In subsection (2) "*joint overview and scrutiny committee*" , in relation to a local authority ("the authority concerned"), means—[...]<sup>3</sup>

(c) a joint overview and scrutiny committee within the meaning of section 123 of the [Local Government and Public Involvement in Health Act 2007](#) (joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned.

(4) The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not 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 subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.

(5) An overview and scrutiny committee of a local authority may not discharge any functions other than—

- (a) its functions under this section and sections 9FA to 9FI , [...]<sup>4</sup>
- (b) its functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters) [, or]<sup>4</sup>

[

- (c) any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).

]<sup>4</sup>  
]<sup>1</sup>

## Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

<sup>2</sup> Repealed by Health and Social Care Act 2012 c. 7 Pt 5 c.2 s.190(10)(a) (March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise)

<sup>3</sup> Repealed by Health and Social Care Act 2012 c. 7 Pt 5 c.2 s.190(10)(b) (March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise)

<sup>4</sup> Added by Health and Social Care Act 2012 c. 7 Pt 5 c.2 s.190(10)(c) (March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9F Overview and scrutiny committees: functions*

## Table of Amendments

 2	Pt 1A c. 2 s. 9F(3)(a)-(b)	Repealed by <a href="#">Health and Social Care Act 2012 c. 7, Pt 5 c. 2 s. 190(10)(b)</a> <i>March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise</i>
	Pt 1A c. 2 s. 9F(5)(c)	Added by <a href="#">Health and Social Care Act 2012 c. 7, Pt 5 c. 2 s. 190(10)(c)</a> <i>March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise</i>
	Pt 1A c. 2 s. 9F(2)(f)	Repealed by <a href="#">Health and Social Care Act 2012 c. 7, Pt 5 c. 2 s. 190(10)(a)</a> <i>March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise</i>
1	Pt 1A c. 2 s. 9F	Added by <a href="#">Localism Act 2011 c. 20, Sch. 2(1) para. 1</a> <i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i>

## Extent

Pt 1A c. 2 s. 9F(1)-(5)(c) England, Wales

## Modifications

Pt 1A c. 2 s. 9F	Modified in relation to the Common Council of the City of London by <a href="#">National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247</a>
	Modified in relation to the committee established by a local authority under 2006 c.41 s.247A(2) by <a href="#">National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247A(3)(b)</a>

## s. 9FA Overview and scrutiny committees: supplementary provision



Law In Force

### Version 1 of 1

3 December 2011 - Present

#### Subjects

Local government

#### Keywords

Appointments; Delegation; Executive arrangements; Local authority committees; Overview and scrutiny committees; Powers rights and duties

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### 9FA Overview and scrutiny committees: supplementary provision

- (1) 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.
- (2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (1)(b).
- (3) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.
- (4) 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.
- (5) Subject to any provision made by or under [paragraphs 6 to 8 of Schedule A1](#) and to [section 20\(6\)](#) of the [Police and Justice Act 2006](#), any persons who are not members of the local authority are not entitled to vote at any meeting of its overview and scrutiny committee, or any sub-committee of such a committee, on any question which falls to be decided at that meeting, unless permitted to do so under [paragraphs 11 and 12](#) of that Schedule.

- (6) 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 5A](#) of the [Local Government Act](#)

1972 (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.

(7) Subsections (2) and (5) of section 102 of the Local Government Act 1972 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.

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

(a) may require members of the executive, and officers of the authority, to attend before it to answer questions,

(b) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and

(c) may invite other persons to attend meetings of the committee.

(9) It is the duty of any member or officer mentioned in paragraph (a) or (b) of subsection (8) to comply with any requirement mentioned in that paragraph.

(10) A person is not obliged by subsection (9) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

(11) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State.

(12) Guidance under subsection (11) may make different provision for different cases or for different descriptions of committee or sub-committee.

]<sup>1</sup>

## Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FA Overview and scrutiny committees: supplementary provision*

## Table of Amendments

 1	Pt 1A c. 2 s. 9FA	Added by <a href="#">Localism Act 2011 c. 20, Sch. 2(1) para. 1</a> <i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i>
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## Extent

Pt 1A c. 2 s. 9FA(1)-(12) England, Wales

## Modifications

Pt 1A c. 2 s. 9FA Modified in relation to the Common Council of the City of London by [National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247](#)

Modified in relation to the committee established by a local authority under 2006 c.41 s.247A(2) by [National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247A\(3\)\(c\)](#)

Pt 1A c. 2 s. 9FA(1) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(2) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(3) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22

s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)

- Pt 1A c. 2 s. 9FA(4) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(5) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(6) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(7) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(8) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(9) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(10) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(11) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)
- Pt 1A c. 2 s. 9FA(12) Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22  
s.9F by Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny)

[Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

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## s. 9FB Scrutiny officers



### Version 1 of 1

3 December 2011 - Present

#### Subjects

Local government

#### Keywords

Designation; Executive arrangements; Local authorities' powers and duties; Local government officers; Overview and scrutiny committees

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### 9FB Scrutiny officers

(1) Subject as follows, a local authority must designate one of its 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.

]<sup>1</sup>

### Notes

- 1 Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FB Scrutiny officers*

## Table of Amendments

 1	Pt 1A c. 2 s. 9FB	Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1 <i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i>
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## Extent

Pt 1A c. 2 s. 9FB(1)-(6) England, Wales

## s. 9FC Reference of matters to overview and scrutiny committee etc



Law In Force

**Version 1 of 1**

3 December 2011 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Local authority committees; Overview and scrutiny committees; References

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### 9FC Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which—
  - (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
  - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
  - (c) enables any member of the authority to refer to an overview and scrutiny committee of the authority of which the member of the authority is not a member any matter which is relevant to the functions of the committee and is not an excluded matter.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables the person to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- (3) In considering whether to exercise the power which a member of an authority has by virtue of subsection (1)(c) in any case, the member must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) In subsection (1)(c) “*excluded matter*” means any matter which is—
  - (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local

authority scrutiny of crime and disorder matters), or

(b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section.

]<sup>1</sup>

## Notes

- 1      Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)
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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FC Reference of matters to overview and scrutiny committee etc*

## Table of Amendments

 1	Pt 1A c. 2 s. 9FC	Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1 <i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i>
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## Extent

Pt 1A c. 2 s. 9FC(1)-(5)(b)      England, Wales

## SIs Made Under Act

**Pt 1A c. 2 s. 9FC(5)**

[Overview and Scrutiny \(Reference by Councillors\) \(Excluded Matters\) \(England\) Order 2012/1022](#)

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## s. 9FD Dealing with references under section 9FC(1)(c)



### Version 1 of 1

3 December 2011 - Present

#### Subjects

Local government

#### Keywords

Executive arrangements; Overview and scrutiny committees; Powers rights and duties; References

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### 9FD Dealing with references under section 9FC(1)(c)

(1) This section applies where a matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to [section 9FC\(1\)\(c\)](#).

(2) In considering whether or not to exercise any of its powers under [section 9F\(2\)](#) in relation to the matter, the committee may have regard to—

(a) any powers which the member may exercise in relation to the matter by virtue of [section 236](#) of the [Local Government and Public Involvement in Health Act 2007](#) (exercise of functions by local councillors in England), and

(b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under [section 9F\(2\)](#) in relation to the matter.

(3) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—

(a) its decision, and

(b) the reasons for it.

(4) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under [section 9F\(2\)](#) in relation to the matter.

(5) Subsection (4) is subject to [section 9FG](#) (confidential and exempt information).

]<sup>1</sup>

## Notes

- 1    Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)
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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FD Dealing with references under section 9FC(1)(c)*

## Table of Amendments

	1    Pt 1A c. 2 s. 9FD	Added by <a href="#">Localism Act 2011 c. 20, Sch. 2(1) para. 1</a> <i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i>
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## Extent

Pt 1A c. 2 s. 9FD(1)-(5)      England, Wales

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## s. 9FE Duty of authority or executive to respond to overview and scrutiny committee



### Version 1 of 1

3 December 2011 - Present

#### Subjects

Local government

#### Keywords

Executive arrangements; Local authorities' powers and duties; Overview and scrutiny committees; Recommendations; Reports

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### 9FE Duty of authority or executive to respond to overview and scrutiny committee

(1) This section applies where an overview and scrutiny committee of a local authority makes a report or recommendations to the authority or the executive, otherwise than—

- (a) by virtue of subsection (1)(b) of section 19 of the [Police and Justice Act 2006](#) (local authority scrutiny of crime and disorder matters), or
- (b) by virtue of subsection (3)(a) of that section.

(2) The overview and scrutiny committee may publish the report or recommendations.

(3) The overview and scrutiny committee must by notice in writing require the authority or executive—

- (a) to consider the report or recommendations,
- (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
- (c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response, and
- (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under [section 9FD\(4\)](#), to provide the member with a copy of the response.

(4) The notice served under subsection (3) must require the authority or executive to comply with it within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.

(5) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.

(6) Subsections (2) and (5) are subject to [section 9FG](#) and to any provision made under [section 9GA\(8\)](#) (confidential and exempt information).

(7) In this section—

(a) references to an overview and scrutiny committee include references to a sub-committee of such a committee;

(b) references to “*the authority*” or “*the executive*”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

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## Notes

1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FE Duty of authority or executive to respond to overview and scrutiny committee*

## Table of Amendments



1 Pt 1A c. 2 s. 9FE

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)

*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## **Extent**

Pt 1A c. 2 s. 9FE(1)-(7)(b)      England, Wales

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## s. 9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities



Law In Force With Amendments Pending

[View proposed draft amended version](#)

### Version 2 of 2

1 April 2013 - Present

#### Subjects

Local government

#### Keywords

Executive arrangements; Notice; Overview and scrutiny committees; Powers rights and duties; Public authorities; Recommendations; Reports

[

### 9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

(1) This section applies where—

- (a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—
  - (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
  - (ii) by virtue of subsection (3)(a) of that section, and

(b) the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to—

- (i) the authority's area, or
- (ii) the inhabitants of that area.

(2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions.

(3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.

(4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.

(5) Subsection (2) does not apply if—

(a) the relevant partner authority is a health service body, and

(b) either—

(i) the relevant committee is a non-unitary district council committee, or

(ii) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).

(6) In subsection (5) “*health service body*” means—[

(za) a clinical commissioning group,

(zb) the National Health Service Commissioning Board,

]<sup>2</sup>

(a) a National Health Service trust,[ or]<sup>3</sup>

(b) an NHS foundation trust [.]<sup>4</sup>

[...]<sup>4</sup>

(7) Subsections (2) and (3) are subject to section 9FG (confidential and exempt information).

(8) In this section—

“*the authority*”, in relation to a relevant committee, means—

(a) in the case of an overview and scrutiny committee, the local authority by which it is established, and

(b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,

“*the executive*”, in relation to a relevant committee, means the executive of the authority,

“*non-unitary district council committee*” means—

(a) an overview and scrutiny committee of a district council for a district in a county for which there is a county council, or

(b) a sub-committee of such a committee,

“relevant committee” means an overview and scrutiny committee or a sub-committee of such a committee,

“relevant partner authority”, in relation to a relevant committee other than a non-unitary district council committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than a chief officer of police, and

“relevant partner authority”, in relation to a relevant committee that is a non-unitary district council committee, means—

(a) the county council for the county concerned, or

(b) any person (other than the district council concerned) who is a partner authority in relation to that county council for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than a chief officer of police.

]<sup>1</sup>

## Notes

1 Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

2 Added by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594 art.5(a) (April 1, 2013)

3 Word inserted by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594 art.5(b) (April 1, 2013)

4 Repealed by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594 art.5(c) (April 1, 2013)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities*

## Table of Amendments



2	Pt 1A c. 2 s. 9FF(6)(c)	Repealed by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594, art. 5(c) April 1, 2013
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Pt 1A c. 2 s. 9FF(6)(a) Word inserted by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594, art. 5(b)  
*April 1, 2013*

Pt 1A c. 2 s. 9FF(6)(za)-(zb) Added by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594, art. 5(a)  
*April 1, 2013*

1 Pt 1A c. 2 s. 9FF Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Proposed Draft Amendments



N/A Pt 1A c. 2 s. 9FF Words substituted by Health and Care Bill 2021-22 (HL Bill 114) Sch. 1 para. 1(1) (Lords' Report Stage, March 1, 2022)  
*date to be appointed*



N/A Pt 1A c. 2 s. 9FF(6)(za) Substituted by Health and Care Bill 2021-22 (HL Bill 114) Sch. 4 para. 61 (Lords' Report Stage, March 1, 2022)  
*Not yet in force*

## Extent

Pt 1A c. 2 s. 9FF(1)-(8) definition of “a relevant partner authority” (b) England, Wales

## s. 9FG Publication etc of reports, recommendations and responses: confidential and exempt information



Law In Force

### Version 1 of 1

3 December 2011 - Present

#### Subjects

Local government

#### Keywords

Confidential information; Executive arrangements; Exempt information; Overview and scrutiny committees; Publication; Recommendations; Reports

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### 9FG Publication etc of reports, recommendations and responses: confidential and exempt information

(1) This section applies to—

- (a) the publication under [section 9FE](#) of any document comprising—
  - (i) a report or recommendations of an overview and scrutiny committee, or
  - (ii) a response of a local authority to any such report or recommendations, and
- (b) the provision of a copy of such a document—
  - (i) to a member of a local authority under [section 9FD\(4\)](#) or [section 9FE](#), or
  - (ii) to a relevant partner authority under [section 9FF](#),

by an overview and scrutiny committee or a local authority.

(2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—

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

(3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.

(4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, 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.

(5) Subsection (6) applies if, by virtue of subsection (2), (3) or (4), an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—

(a) excludes information, or

(b) replaces part of the report or recommendations with a summary.

(6) The overview and scrutiny committee is nevertheless to be taken for the purposes of [section 9FE\(3\)\(c\) or \(d\)](#) to have published or provided a copy of the report or recommendations.

(7) In this section, references to relevant exempt information are references to—

(a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under [section 100A\(4\)](#) of the [Local Government Act 1972](#) which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and

(b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered.

(8) In this section—

“*confidential information*” has the meaning given by [section 100A\(3\)](#) of the [Local Government Act 1972](#) (admission to meetings of principal councils),

“*exempt information*” has the meaning given by [section 100I](#) of that Act and, in relation to—

(a) any report or recommendations of an overview and scrutiny committee which has functions under [section 9F\(2\)\(f\)](#) (national health service functions), or

(b) any response to such a report or recommendations, also includes information which is exempt information under

section 246 of the National Health Service Act 2006, and

“relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 9FF, has the same meaning as in that section.

(9) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.

]<sup>1</sup>

## Notes

- 1      Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)
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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FG Publication etc of reports, recommendations and responses: confidential and exempt information*

## Table of Amendments

- |   |                   |  |
|---|-------------------|--|
|  1 | Pt 1A c. 2 s. 9FG | Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1<br><i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i> |
|---|-------------------|--|

## Extent

Pt 1A c. 2 s. 9FG(1)-(9)      England, Wales

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## s. 9FH Overview and scrutiny committees: flood risk management



Law In Force

### Version 1 of 1

3 December 2011 - Present

#### Subjects

Local government

#### Keywords

Coastal erosion; Executive arrangements; Flood risk; Local authorities' powers and duties; Overview and scrutiny committees; Risk management

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### 9FH Overview and scrutiny committees: flood risk management

- (1) This section applies to a local authority that operates executive arrangements and that is a lead local flood authority.
- (2) The arrangements required under [section 9F\(2\)](#) include arrangements to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.
- (3) A risk management authority must comply with a request made by an overview and scrutiny committee, in the course of arrangements under subsection (2), for—
  - (a) information;
  - (b) a response to a report.
- (4) The Secretary of State may make regulations about the duty under subsection (3) which may, in particular, include provision—
  - (a) about the procedure to be followed in relation to requests and compliance with them,
  - (b) about notices to be served in relation to requests,
  - (c) for exemptions from the duty,
  - (d) requiring persons to attend to give information orally,

- (e) about the nature of the information and responses that may be requested, and
  - (f) about the publication of requests, information and responses.
- (5) A risk management authority must have regard to reports and recommendations of an overview and scrutiny committee made in the course of arrangements under subsection (2).
- (6) Regulations under section 123 of the Local Government and Public Involvement in Health Act 2007 may make provision about the application of this section in relation to joint overview and scrutiny committees.
- (7) Expressions used in this section have the same meaning as in Part 1 of the Flood and Water Management Act 2010.

]<sup>1</sup>

## Notes

- 1      Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FH Overview and scrutiny committees: flood risk management*

## Table of Amendments

 1	Pt 1A c. 2 s. 9FH	Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1 December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise
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## Extent

Pt 1A c. 2 s. 9FH(1)-(7)      England, Wales

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## s. 9FI Overview and scrutiny committees: provision of information etc by certain partner authorities



Law In Force

**Version 1 of 1**

3 December 2011 - Present

**Subjects**

Local government

**Keywords**

Executive arrangements; Overview and scrutiny committees; Provision of information; Public authorities; Statutory instruments

[

### **9FI Overview and scrutiny committees: provision of information etc by certain partner authorities**

- (1) The Secretary of State may by regulations make provision, in relation to a relevant committee—
  - (a) as to information which relevant partner authorities must provide to the relevant committee, and
  - (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.
- (2) In subsection (1), references to information do not include 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 (guidance and regulations regarding crime and disorder matters), or
  - (b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).
- (3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 9FF.
- (4) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.
- (5) The power conferred by subsection (4) does not affect the power conferred by section 105(2)(b).

]<sup>1</sup>

## Notes

- 1 Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)
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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FI Overview and scrutiny committees: provision of information etc by certain partner authorities*

## Table of Amendments

	1 Pt 1A c. 2 s. 9FI	Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1 <i>December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise</i>
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## Extent

Pt 1A c. 2 s. 9FI(1)-(5) England, Wales

## SIs Made Under Act

### Pt 1A c. 2 s. 9FI

[Local Authorities \(Overview and Scrutiny Committees\) \(England\) Regulations 2012/1021](#)

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