

## **STATUTORY AND GUIDANCE REFERENCES**

These references are intended to act as an aide memoire to identify which legislative provisions and other guidance establish the various decision making powers, procedures and rules set out in the constitution.

Where the relevant legislation is already expressly stated in the body of the constitution the relevant Act or Regulations are not repeated in this section.

The Local Government Act 2000 ('the 2000 Act') established executive arrangements and as part of this change new constitutions replaced the committee model of member decision making. The executive arrangements established by the 2000 Act were subsequently amended in part by the Local Government and Public Involvement in Health Act 2007 ('the LGPIHA 2007) and new sections were inserted into the 2000 Act. Where this is the case the statutory reference listed is that set out in the LGIPHA 2007 rather than the new section inserted in the 2000 Act.

### **PART 2 - ARTICLES**

#### **Article 1 – The constitution**

- Section 37 Local Government Act 2000
- The Local Government Act 2000 (Constitutions) (England) Direction 2000
- Chapter 10 Department of Environment Transport & Regions ('DETR') New Council Constitutions Guidance

#### **Article 2 – Members of the council**

- Part I Local Government Act 1972
- Chapter 2 DETR New Council Constitutions Guidance

#### **Article 3 – Council assembly**

- Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapter 2 DETR New Council Constitutions Guidance
- John Stewart, The Council Meeting: A Role for All Members. LGA/IDeA, June 2000

#### **Article 4 – Role and function of the Mayor**

- Sections 3, and 5; Schedules 2 and 12 Local Government Act 1972
- Schedule 3, Local Government Act 2000
- Chapters 2, 4 and 9 DETR New Council Constitutions Guidance

#### **Article 5 – Overview and scrutiny committee and commissions**

- Section 21 and schedule 1 (Paragraphs 9, 10 and 11) Local Government Act 2000

- Sections 119-123 and 125-128 Local Government and Public Involvement in Health Act 2007
- Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002
- The Crime and Disorder (Overview and Scrutiny) Regulations 2009
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012
- Schedule 3 Localism Act 2011
- Chapters 3 and 9, DETR New Council Constitutions Guidance

#### **Article 6 – The cabinet**

- Section 11 Local Government Act 2000
- Sections 62, 63, 65, 66 and 68-74 Local Government & Public Involvement in Health Act 2007
- Schedules 3 and 25 Localism Act 2011
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- Chapters 4, 14 and 15, DETR New Council Constitutions Guidance

#### **Article 8 – Multi-ward areas**

- Section 18 Local Government Act 2000
- Regulation 16A Local Government (Committees and Political Groups) Regulations 1990
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Schedules 3 and 25 Localism Act 2011
- Chapters 6 and 9, DETR New Council Constitutions Guidance

#### **Article 9 – Joint arrangements**

- Sections 2, 19, 20 Local Government Act 2000
- The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012
- Sections 1-8 Localism Act
- Chapters 6 and 9, DETR New Council Constitutions Guidance

#### **Article 10 – Officers**

- Section 4 and 5 Local Government and Housing Act 1989
- Chapters 8 and 9, DETR New Council Constitutions Guidance

#### **Article 11 – Documents**

- Section 234, Local Government Act 1972

### **PART 3 – WHO TAKES DECISIONS?**

- Section 13 Local Government Act 2000
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Sections 62, 63, 65, 66 and 68-74 Local Government and Public Involvement in Health Act 2007
- Chapter 5, DETR New Council Constitutions Guidance

## **PART 4 – RULES**

### **Access to information procedure rules**

- Sections 100 A-H and Schedule 12A Local Government Act 1972
- Section 22 Local Government Act 2000
- Chapter 7, DETR New Council Constitutions Guidance

### **Budget and policy framework procedure rules**

- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapter 2, DETR New Council Constitutions Guidance

### **Council assembly procedure rules**

- Part VA Local Government Act 1972
- Parts I and VI, Schedule 12 Local Government Act 1972
- Local Authorities (Standing Orders) Regulations 1993

### **Committee procedure rules**

- Part VA, Local Government Act 1972
- Part VI, Schedule 12 Local Government Act 1972
- Local Authorities (Standing Orders) Regulations 1993

### **Cabinet procedure rules**

- Part VA Local Government Act 1972
- Chapters 4 to 9, DETR New Council Constitutions Guidance

### **Financial standing orders**

- Chapter 2 DETR New Council Constitutions Guidance

### **Officer employment procedure rules**

- Section 7, Local Government and Housing Act 1989
- Chapters 8 and 9 DETR New Council Constitutions Guidance

## **PART 5 – CODE OF CONDUCT**

- Sections 26-37 Localism Act 2011

- Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

## **PART 6 – PROTOCOLS**

### **Member allowances scheme**

- Section 7, Superannuation Act 1972 and regulations thereunder
- Section 18, Local Government and Housing Act 1989 and regulations thereunder
- Local Authorities (Members' Allowances) (England) Regulations 2003