



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART I

#### LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

##### *Duties of particular officers*

#### **4 Designation and reports of head of paid service.**

- (1) It shall be the duty of every relevant authority—
- (a) to designate one of their officers as the head of their paid service; and
  - (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

[<sup>F1</sup>(1A) In the case of an elected local policing body, the body's chief executive is to be taken to have been designated as the head of the body's paid service (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body's chief executive).]

- (2) It shall be the duty of the head of a relevant authority's paid service, where he considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals.
- (3) Those matters are—
- (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
  - (b) the number and grades of staff required by the authority for the discharge of their functions;
  - (c) the organisation of the authority's staff; and
  - (d) the appointment and proper management of the authority's staff.

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- (4) It shall be the duty of the head of a relevant authority's paid service, as soon as practicable after he has prepared a report under this section, to arrange for a copy of it to be <sup>F2</sup>sent—
- (a) in the case of an elected local policing body, to the body and to the police and crime panel for the body's police area; and
- <sup>F3</sup>(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—
- (i) which corresponds to the authority's area, or
- (ii) within which the area of the authority falls;]
- <sup>F4</sup>(ab) in the case of the London Fire Commissioner, to the Commissioner;]
- (b) in any other case, to] each member of the authority.
- (5) It shall be the duty of a relevant authority <sup>F5</sup>(other than an elected local policing body)] to consider any report under this section by the head of their paid service at a meeting held not more than three months after copies of the report are first sent to members of the authority; and nothing in section 101 of the <sup>M1</sup>Local Government Act 1972 or in section 56 of <sup>F6</sup>, or Schedule 10 or 20 to,] the <sup>M2</sup>Local Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of this subsection.
- <sup>F7</sup>(5A) It shall be the duty of an elected local policing body to consider any report under this section by the head of the body's paid service, and to do so no later than three months after the body is sent a copy of the report.]
- <sup>F8</sup>(5B) It shall be the duty of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 to consider any report under this section by the head of the authority's paid service and to do so no later than three months after the authority is sent a copy of the report.]
- <sup>F9</sup>(5C) It shall be the duty of the London Fire Commissioner to consider any report under this section by the head of the Commissioner's paid service and to do so no later than three months after the Commissioner is sent a copy of the report.]
- (6) In this section “relevant authority”—
- (a) in relation to England <sup>F10</sup>..., means a local authority of any of the descriptions specified in paragraphs (a) to (e) <sup>F11</sup> and (ja) to (jc)] of section 21(1) below <sup>F12</sup>, an elected local policing body <sup>F13</sup>, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 and the London Fire Commissioner];
- <sup>F14</sup>(aa) in relation to Wales, means an elected local policing body;] and
- (b) in relation to Scotland, <sup>F15</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (7) This section shall come into force at the expiry of the period of two months beginning on the day this Act is passed.

#### Textual Amendments

**F1** S. 4(1A) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 201\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F2** Words in s. 4(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 201\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

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- F3** S. 4(4)(aa) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 62(2)**; S.I. 2017/399, reg. 2, Sch. para. 38
- F4** S. 4(4)(ab) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 87(2)**; S.I. 2018/227, reg. 4(c)
- F5** Words in s. 4(5) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 201(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F6** Words in s. 4(5) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 161(1)(3)(a), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F7** S. 4(5A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 201(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F8** S. 4(5B) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 62(3)**; S.I. 2017/399, reg. 2, Sch. para. 38
- F9** S. 4(5C) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 87(3)**; S.I. 2018/227, reg. 4(c)
- F10** Words in s. 4(6)(a) omitted (5.5.2022) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 5 para. 8(a)**; S.I. 2021/231, art. 6(s)
- F11** Words in s. 4(6)(a) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 12(2)**
- F12** Words in s. 4(6)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 62(4)**; S.I. 2017/399, reg. 2, Sch. para. 38
- F13** Words in s. 4(6)(a) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 87(4)**; S.I. 2018/227, reg. 4(c)
- F14** S. 4(6)(aa) inserted (5.5.2022) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 5 para. 8(b)**; S.I. 2021/231, art. 6(s)
- F15** Words in s. 4(6)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(3)(b)** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)

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**Modifications etc. (not altering text)**

- C1** S. 4 extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(7)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 4 applied (with modifications) (8.5.2000) by 1999 c. 29, s. 72(1) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C2** S. 4 applied (E.) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **17(7)**
- C3** S. 4 applied (E.) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **17(7)(a)**
- C4** S. 4 applied (with modifications) (E.) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 9(3)**
- C5** S. 4 applied (26.6.2020) by S.I. 2017/469, **Sch. 1 para. 2(2)** (as inserted by The Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 (S.I. 2020/641), arts. 1, **9**)
- C6** S. 4 applied (with modifications) (E.) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **46(2)**, **Sch. 7 para. 3(2)**
- C7** S. 4 applied (with modifications) (E.) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **33(2)**, **Sch. 5 para. 9(3)**
- C8** S. 4(2)-(6) applied (with modifications) (E.) (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), arts. 1, **17(6)**
- C9** S. 4(2)-(5)(6) applied (with modifications) (E.) (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **9(7)**

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- C10** S. 4(2)-(5)(6) applied (with modifications) (E.) (25.5.2018) by [The East Suffolk \(Local Government Changes\) Order 2018 \(S.I. 2018/640\)](#), arts. 1, **9(7)**
- C11** S. 4(2)-(5)(6) applied (with modifications) (E.) (26.5.2018) by [The Somerset West and Taunton \(Local Government Changes\) Order 2018 \(S.I. 2018/649\)](#), arts. 1, **9(7)**
- C12** S. 4(2)-(5)(6) applied with modifications (E.) (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **13(7)**
- C13** S. 4(2)-(5)(6) applied with modifications (E.) (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **28(7)**
- C14** S. 4(2)-(5)(6) applied (E.) (23.5.2019) by [The Buckinghamshire \(Structural Changes\) Order 2019 \(S.I. 2019/957\)](#), arts. 1, **7(5)**
- C15** S. 4(2)-(5)(6) applied (with modifications) (E.W.) (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\)](#), arts. 1, **9(7)**
- C16** S. 4(2)-(5)(6) applied (with modifications) (E.) (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **9(7)**

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#### **Marginal Citations**

- M1** 1972 c. 70.
- M2** 1973 c. 65.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)