



# Local Democracy, Economic Development and Construction Act 2009

## 2009 CHAPTER 20

### PART 1

#### DEMOCRACY AND INVOLVEMENT

### CHAPTER 1

#### DUTIES RELATING TO PROMOTION OF DEMOCRACY

##### *Duties of principal local authorities*

### **1 Democratic arrangements of principal local authorities**

- (1) A principal local authority has a duty to promote understanding of the following among local people—
  - (a) the functions of the authority;
  - (b) the democratic arrangements of the authority;
  - (c) how members of the public can take part in those democratic arrangements and what is involved in taking part.
- (2) The duty under subsection (1)(c) includes in particular a duty to promote understanding of the following among local people—
  - (a) how to become a member of the principal local authority;
  - (b) what members of the principal local authority do;
  - (c) what support is available for members of the principal local authority.
- (3) In this Chapter—

“principal local authority” means—

  - (a) a county or district council in England;

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*Status: This is the original version (as it was originally enacted).*

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- (b) a London borough council;
- (c) the Common Council of the City of London in its capacity as a local authority;
- (d) a county or county borough council in Wales;

“democratic arrangements”, in relation to any authority, means arrangements for members of the public to participate in, or influence, the making of decisions by the authority (including the making of decisions by the authority in partnership or conjunction with any other person);

“local people”, in relation to a principal local authority, means people who live, work or study in the authority’s area.

## 2 Democratic arrangements of connected authorities

- (1) A principal local authority has a duty to promote understanding of the following among local people—
  - (a) the functions of authorities which are connected with the principal local authority;
  - (b) the democratic arrangements of those authorities;
  - (c) how members of the public can take part in those democratic arrangements and what is involved in taking part.
- (2) For the purposes of this section, each of the following is an authority which is connected with a principal local authority in England—
  - (a) any person mentioned in subsection (3) who acts or is established for an area which, or any part of which, coincides with or falls within the principal local authority’s area;
  - (b) the Homes and Communities Agency, so far as exercising functions in relation to the authority’s area;
  - (c) the Secretary of State, so far as exercising functions under sections 2 and 3 of the [Offender Management Act 2007 \(c. 21\)](#) in relation to the authority’s area;
  - (d) the managing or governing body of a maintained school in the principal local authority’s area;
  - (e) the managing or governing body of a further education institution in the principal local authority’s area;
  - (f) a National Health Service trust or NHS foundation trust which provides services at or from a hospital or other establishment or facility in the principal local authority’s area;
  - (g) where the principal local authority is a London borough council or the Common Council of the City of London, the Greater London Authority and Transport for London;
  - (h) where the principal local authority is a district council for an area for which there is a county council, the county council;
  - (i) where the principal local authority is a county council for an area for which there is a district council, the district council.
- (3) The persons referred to in subsection (2)(a) are—
  - (a) a parish council;
  - (b) a parish meeting;
  - (c) a fire and rescue authority which is not a principal local authority;
  - (d) a National Park authority;

- (e) the Broads Authority;
  - (f) a police authority;
  - (g) a chief officer of police;
  - (h) a joint waste authority established under section 207(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28);
  - (i) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
  - (j) an Integrated Transport Authority;
  - (k) an economic prosperity board established under section 88 or a combined authority established under section 103;
  - (l) a strategic health authority;
  - (m) a Primary Care Trust;
  - (n) a local probation board or a probation trust.
- (4) For the purposes of this section each of the following is an authority which is connected with a principal local authority in Wales—
- (a) any person mentioned in subsection (5) who acts for or is established for an area which, or any part of which, coincides with or falls within the principal local authority's area;
  - (b) the Secretary of State, so far as exercising functions under sections 2 and 3 of the Offender Management Act 2007 (c. 21) in relation to the authority's area;
  - (c) the managing or governing body of any maintained school in the principal local authority's area;
  - (d) a National Health Service trust which provides services at or from a hospital or other establishment or facility in the principal local authority's area.
- (5) The persons referred to in subsection (4)(a) are—
- (a) a community council;
  - (b) a community meeting;
  - (c) a fire and rescue authority which is not a principal local authority;
  - (d) a National Park authority;
  - (e) a police authority;
  - (f) a chief officer of police;
  - (g) a Local Health Board;
  - (h) a local probation board or a probation trust.
- (6) The appropriate national authority may by order amend this section so as to—
- (a) add any person who has functions of a public nature to the authorities which are connected with a principal local authority for the purposes of this section;
  - (b) cause any person to cease to be an authority which is connected with a principal local authority for those purposes;
  - (c) change the functions in respect of which any authority is connected with a principal local authority for those purposes.
- (7) Before making an order under subsection (6) the appropriate national authority must consult such representatives of local government and such other persons (if any) as that authority considers appropriate.
- (8) In this section—

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“further education institution” means an institution within the further education sector as defined by section 91(3) of the [Further and Higher Education Act 1992 \(c. 13\)](#);

“maintained school” means—

- (a) a community, foundation or voluntary school (within the meaning of the [School Standards and Framework Act 1998 \(c. 31\)](#)),
  - (b) a community or foundation special school (within the meaning of that Act), and
  - (c) a maintained nursery school (as defined by section 22(9) of that Act).
- (9) For the purposes of subsections (3)(g) and (5)(f), a chief officer of police acts and is established for the area of the chief officer’s police force.

### **3 Monitoring boards, courts boards and youth offending teams**

- (1) A principal local authority has a duty to promote understanding of the following among local people—
- (a) the functions of the bodies mentioned in subsection (2);
  - (b) how a member of the public can become a member of, or take part in, the work of those bodies;
  - (c) what is involved in doing so.
- (2) The bodies referred to in subsection (1) are—
- (a) an independent monitoring board established under section 6 of the [Prison Act 1952 \(c. 52\)](#) for a prison in the principal local authority’s area;
  - (b) a visiting committee established under section 152 of the [Immigration and Asylum Act 1999 \(c. 33\)](#) for a removal centre in the principal local authority’s area;
  - (c) a courts board for an area which, or any part of which, coincides with or falls within the principal local authority’s area;
  - (d) a youth offending team for an area which, or any part of which, coincides with or falls within the principal local authority’s area.

### **4 Lay justices**

- (1) A principal local authority has a duty to promote understanding among local people of—
- (a) the functions of a lay justice;
  - (b) how a member of the public can become a lay justice;
  - (c) what is involved in being a lay justice.
- (2) In this section “lay justice” has the meaning given by section 9 of the [Courts Act 2003 \(c. 39\)](#).

*Supplementary*

### **5 Provision of information**

- (1) The duties in sections 2 and 3 do not apply to a principal local authority in relation to any other authority or body if or to the extent that, having been requested to do so, that

authority or body has not made the necessary information available to the principal local authority.

- (2) The duty in section 4 does not apply to a principal local authority if or to the extent that, having been requested to do so, the Lord Chancellor has not made the necessary information available to the principal local authority.
- (3) For the purposes of this section the appropriate national authority may by order impose requirements relating to the provision of information to principal local authorities by—
  - (a) authorities which are connected with principal local authorities for the purposes of section 2, or
  - (b) the bodies referred to in section 3(2).
- (4) Requirements imposed under subsection (3) may relate in particular to the provision of information by a particular authority or body or by authorities or bodies of a particular description.
- (5) References in subsections (1) to (3) to principal local authorities do not include any district council for an area for which there is a county council.
- (6) Where a principal local authority in England is the district council for an area for which there is a county council—
  - (a) the county council must, at least once a year, request any authority, body or other person in relation to which the district council is also under a duty under section 2, 3 or 4 for the information that the district council needs in order to discharge the duty in that section,
  - (b) the county council must pass on to the district council any information received by the county council under paragraph (a),
  - (c) if at any time the county council is notified of any changes to information previously passed on by it under paragraph (b), the county council must inform the district council accordingly, and
  - (d) the duties in sections 2, 3 and 4 do not apply to the district council in relation to any authority, body or other person if or to the extent that the county council has not made the necessary information available to the district council under this subsection.

## **6 Guidance**

- (1) The appropriate national authority may give guidance to principal local authorities in relation to the discharge of their duties under this Chapter.
- (2) Guidance under this section—
  - (a) may be given generally or to one or more particular principal local authorities;
  - (b) may be different for different principal local authorities;
  - (c) must be published.
- (3) Before giving guidance under this section the appropriate national authority must consult the principal local authorities to which it is given.
- (4) A principal local authority must, in deciding how to discharge its duties under this Chapter, have regard to any guidance given to it under this section.

## 7 Isles of Scilly

The Secretary of State may by order apply the provisions of this Chapter to the Council of the Isles of Scilly, with or without modifications.

### *General*

## 8 Orders

- (1) An order under any provision of this Chapter is to be made by statutory instrument.
- (2) A statutory instrument containing an order under any provision of this Chapter made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing an order under any provision of this Chapter made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

## 9 Interpretation

In this Chapter—

“appropriate national authority” means—

- (a) the Secretary of State, in relation to principal local authorities in England;
  - (b) the Welsh Ministers, in relation to principal local authorities in Wales;
- “principal local authority” has the meaning given by section 1;
- “democratic arrangements” has the meaning given by section 1;
- “local people” has the meaning given by section 1.