



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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- (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.

CHAPTER 2

PETITIONS TO LOCAL AUTHORITIES

*Electronic petitions***10 Electronic petitions**

- (1) A principal local authority must provide a facility for making petitions in electronic form to the authority.
- (2) A principal local authority must give reasons for not granting a request to use the facility provided by it under this section for the making of a petition.
- (3) In this Chapter, “principal local authority” means—
 - (a) a county council in England;
 - (b) a district council in England;
 - (c) a London borough council;
 - (d) the Common Council of the City of London in its capacity as a local authority;
 - (e) the Council of the Isles of Scilly;
 - (f) a county or county borough council in Wales.

- (4) In this Chapter, “e-petition facility” means a facility provided under this section.

Petition schemes

11 Petition schemes

- (1) A principal local authority must make a scheme for the handling of petitions which are made to the authority and to which section 12 applies.
- (2) In this Chapter “petition scheme” means a scheme under this section.
- (3) A petition scheme must be approved at a meeting of the authority before it comes into force.
- (4) A principal local authority must publish its petition scheme—
 - (a) on its website, and
 - (b) in such other manner as the authority considers appropriate for bringing the scheme to the attention of persons who live, work or study in its area.
- (5) A principal local authority may at any time revise its petition scheme (and subsections (3) and (4) apply in relation to any scheme which is revised under this subsection).
- (6) A principal local authority must comply with its petition scheme.
- (7) Subject to that, nothing in this Chapter affects the powers or duties of a principal local authority in relation to any petition to it.

12 Petitions to which a scheme must apply

- (1) This section applies to a petition made to a principal local authority which—
 - (a) requests the authority to take or cease to take action described in the petition,
 - (b) is signed by at least the specified number of persons who live, work or study in the authority’s area,
 - (c) is not a petition made under and in accordance with any other enactment, and
 - (d) if the petition is in electronic form, is made using the authority’s e-petition facility.
- (2) In subsection (1)(b), “specified number” means the number specified for the purposes of this section in the principal local authority’s petition scheme.
- (3) For the purposes of this Chapter—
 - (a) a signature counts if (and only if) the petition gives the signatory’s name and address (which may be an address where the signatory lives, works or studies);
 - (b) references to signing or signature, in the case of a petition made using a principal local authority’s e-petition facility, are to authentication in such manner as the authority’s petition scheme may specify.

13 Requirement to acknowledge

- (1) A principal local authority’s petition scheme must secure the following results where a petition to which section 12 applies is made to the authority—

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- (a) the authority must send written acknowledgement of the petition to the petition organiser within the specified period;
- (b) the acknowledgement must give such information about what the authority has done or proposes to do in response to the petition as the authority considers appropriate.

(2) In subsection (1)(a), “specified period” means the period specified for the purposes of this section in the scheme.

14 Requirement to take steps

(1) For the purposes of this Chapter, an “active petition”, in relation to a principal local authority, is a petition to which section 12 applies made to the authority where—

- (a) the petition relates to a relevant matter, and
- (b) the petition is not in the opinion of the authority vexatious, abusive or otherwise inappropriate to be dealt with as specified in this section.

(2) For the purposes of subsection (1)(a) “relevant matter” means—

- (a) in the case of any principal local authority, a matter which relates to a function of the authority, and
- (b) in the case of a relevant principal local authority, a matter which—
 - (i) does not relate to a function of the authority, but
 - (ii) relates to an improvement in the economic, social or environmental well-being of the authority’s area to which any of its partner authorities could contribute.

(3) In subsection (2)(b)—

- (a) “relevant principal local authority” means a principal local authority in England other than a non-unitary district council;
- (b) “partner authority”, in relation to such an authority, has the same meaning as in Chapter 1 of Part 5 of the [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#).

(4) For the purposes of subsection (1)(a)—

- (a) the appropriate national authority may by order specify matters falling within subsection (2)(a) which are not to be regarded as relating to a function of the authority;
- (b) the Secretary of State may by order specify matters falling within subsection (2)(b) which are not to be regarded as relevant matters.

(5) A principal local authority’s petition scheme must secure that, where an active petition is made to the authority, the authority must take one or more steps in response to the petition.

(6) A principal local authority’s petition scheme must secure that the steps which may be taken by the authority pursuant to subsection (5) include the following—

- (a) giving effect to the request in the petition;
- (b) considering the petition at a meeting of the authority;
- (c) holding an inquiry;
- (d) holding a public meeting;
- (e) commissioning research;

- (f) giving a written response to the petition organiser setting out the authority's views about the request in the petition;
 - (g) in the case of a principal local authority operating executive arrangements, referring the petition to an overview and scrutiny committee of the authority;
 - (h) in the case of a principal local authority not operating executive arrangements, referring the petition to a committee of the authority with power under or by virtue of any enactment to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the authority.
- (7) A principal local authority's petition scheme must secure that where an active petition is made to the authority, the authority must also within the specified period—
- (a) notify the petition organiser in writing of the steps the authority has taken or proposes to take in response to the petition and of the authority's reasons for doing so, and
 - (b) publish that notification on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.
- (8) In subsection (7), "specified period" means the period specified for the purposes of this section in the petition scheme.
- (9) A principal local authority's petition scheme may—
- (a) permit the notification referred to in subsection (7)(a) to be included in an acknowledgment sent pursuant to section 13(1);
 - (b) in a case where the authority takes the step referred to in subsection (6)(f), permit the notification referred to in subsection (7)(a) to be included in the response referred to in subsection (6)(f).

15 Requirement to debate

- (1) For the purposes of this section, a "petition requiring debate", in relation to a principal local authority, is an active petition made to the authority in relation to which the conditions in subsection (2) are met.
- (2) Those conditions are that—
- (a) the petition is signed by the specified number of persons who live, work or study in the authority's area, and
 - (b) the petition is not a petition requiring an officer to be called to account by the authority (within the meaning of section 16).
- (3) A principal local authority's petition scheme must secure that, where a petition requiring debate is made to the authority, the steps taken by the authority under section 14(5) include or comprise the step of considering the petition at a meeting of the authority.
- (4) In subsection (2)(a), "specified number" means the number specified for the purposes of this section in the principal local authority's petition scheme.

16 Requirement to call officer to account

- (1) For the purposes of this section, a petition "requiring an officer to be called to account" by a principal local authority is an active petition made to the authority in relation to which the conditions in subsection (2) are met.

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- (2) Those conditions are that—
- (a) the petition is signed by the specified number of persons who live, work or study in the authority's area,
 - (b) the petition requests that an officer of the authority (whether identified by name or description) be called to account at a public meeting of the authority,
 - (c) the officer is a relevant officer, and
 - (d) the petition gives grounds for the request which relate to the discharge of functions for which the officer is responsible.
- (3) In subsection (2)(a), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.
- (4) In subsection (2)(c), “relevant officer” means an officer of the principal local authority of a description specified for the purposes of this subsection in the authority's petition scheme.
- (5) The descriptions of officer specified under subsection (4) must include—
- (a) the statutory chief officers of the authority within the meaning of section 2 of the [Local Government and Housing Act 1989 \(c. 42\)](#),
 - (b) the non-statutory chief officers of the authority within the meaning of that section, and
 - (c) the head of the authority's paid service.
- (6) A principal local authority's petition scheme must secure the results in subsection (7) where—
- (a) a petition requiring an officer to be called to account by the authority is made to the authority, and
 - (b) the authority operates executive arrangements.
- (7) The results in this subsection are that the steps taken by the authority under section 14(5) include or comprise the following steps—
- (a) the exercise by an overview and scrutiny committee of the authority of its power under subsection (13)(a) of section 21 of the [Local Government Act 2000 \(c. 22\)](#) to require the relevant person to attend before it to answer questions;
 - (b) after the relevant person has attended before the overview and scrutiny committee, the making by the committee of a report or recommendations to the authority under subsection (2) of that section;
 - (c) the sending by the authority of a copy of that report or those recommendations to the petition organiser.
- (8) A principal local authority's petition scheme must secure the results in subsection (9) where—
- (a) a petition requiring an officer to be called to account by the authority is made to the authority,
 - (b) the authority does not operate executive arrangements, and
 - (c) under or by virtue of any enactment the authority has a committee with power—
 - (i) to require officers of the authority to attend before it to answer questions, and
 - (ii) to make reports or recommendations to the authority.

- (9) Those results are that the steps taken by the authority under section 14(5) include or comprise the following steps—
- (a) the exercise by the committee referred to in subsection (8)(c) of its power to require the relevant person to attend before it to answer questions;
 - (b) after the relevant person has attended before the committee, the exercise by the committee of its power to make a report or recommendations to the authority;
 - (c) the sending by the authority of a copy of that report or those recommendations to the petition organiser.
- (10) In each of subsections (7)(a) and (9)(a), “relevant person” means—
- (a) the officer identified in the petition, or
 - (b) if the committee referred to in that subsection considers that for the purposes of addressing the concerns raised by the petition it would be more appropriate for another officer of the authority to attend before it, that officer.

17 Review of steps

- (1) A principal local authority’s petition scheme must secure the results in subsection (2) where—
- (a) pursuant to an active petition made to the authority, the authority gives notification further to section 14(7)(a), and
 - (b) the authority operates executive arrangements.
- (2) Those results are—
- (a) if the petition organiser so requests, an overview and scrutiny committee of the authority must under subsection (2)(a) of section 21 of the [Local Government Act 2000 \(c. 22\)](#) review the adequacy of the steps taken or proposed to be taken in response to the petition (or arrange, pursuant to subsection (3)(b) of that section, for the authority to do so);
 - (b) the authority must inform the petition organiser of the results of the review;
 - (c) the authority must publish those results on the authority’s website unless the authority considers that in all the circumstances it would be inappropriate to do so.
- (3) A principal local authority’s petition scheme must secure the results in subsection (4) where—
- (a) pursuant to an active petition made to the authority, the authority gives notification further to section 14(7)(a),
 - (b) the authority does not operate executive arrangements, and
 - (c) under or by virtue of any enactment the authority has a committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority.
- (4) Those results are—
- (a) if the petition organiser so requests, the authority’s committee referred to in subsection (3)(c) must exercise the power referred to in that subsection to review the adequacy of the authority’s steps in response to the petition (or exercise any power of the committee to arrange for the authority to do so);
 - (b) the authority must inform the petition organiser of the results of the review;

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- (c) the authority must publish those results on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.

18 Supplementary scheme provision

- (1) A principal local authority's petition scheme may, subject to the requirements of this Chapter, include such provision as the authority making it considers appropriate.
- (2) That provision may in particular include—
 - (a) provision relating to petitions which are not petitions to which section 12 applies;
 - (b) provision for handling a petition made to more than one principal local authority;
 - (c) provision for handling a petition made to one principal local authority which relates to functions of another principal local authority.

Supplementary

19 Powers of appropriate national authority

- (1) The appropriate national authority may by order make provision as to what a petition scheme must or must not contain.
- (2) The appropriate national authority may give guidance to one or more principal local authorities in relation to the discharge of their functions under this Chapter.
- (3) Provision in an order under subsection (1) or guidance under subsection (2) may relate in particular, in the case of a petition scheme, to—
 - (a) the number to be specified pursuant to section 12(2), 15(4) or 16(3),
 - (b) the period to be specified pursuant to section 13(2) or 14(8), or
 - (c) the officers to be specified pursuant to section 16(4).
- (4) Guidance under subsection (2) may include a model petition scheme.
- (5) A principal local authority may for the purpose of the discharge of its duties under this Chapter, adopt, with or without modification, the provisions of a model petition scheme under subsection (4).
- (6) The appropriate national authority may direct a principal local authority to make such revisions to its petition scheme as may be specified in the direction (and subsection (4) of section 11 applies in relation to any petition scheme revised under this subsection).
- (7) The powers conferred by this section are subject to the requirements of this Chapter.

20 Handling of petitions by other bodies

- (1) The appropriate national authority may by order make provision for the handling of petitions by any body to which this section applies.
- (2) The bodies to which this section applies are—
 - (a) a parish council in England;
 - (b) a community council in Wales;

- (c) the Greater London Authority;
 - (d) the London Development Agency;
 - (e) Transport for London;
 - (f) an Integrated Transport Authority;
 - (g) an economic prosperity board established under section 88 or a combined authority established under section 103;
 - (h) a National Park authority;
 - (i) any body specified in section 21(1)(f) to (n) of the [Local Government and Housing Act 1989 \(c. 42\)](#).
- (3) An order under this section may be made in relation to—
- (a) one or more specified bodies to which this section applies, or
 - (b) bodies to which this section applies of a particular description.
- (4) The provision which may be made by an order under this section includes provision applying, with or without modification, any provision made under this Chapter in relation to the handling of petitions by principal local authorities.

General

21 Orders

- (1) Orders under this Chapter are to be made by statutory instrument.
- (2) A statutory instrument containing an order under this Chapter made by the Secretary of State, other than an order referred to in subsection (3), is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The Secretary of State may not make a statutory instrument containing an order under section 20 which relates to the handling of petitions by a parish council in England unless a draft of the instrument containing the order has been laid before, and approved by, a resolution of each House of Parliament.
- (4) A statutory instrument containing an order under this Chapter made by the Welsh Ministers, other than an order referred to in subsection (5), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (5) The Welsh Ministers may not make a statutory instrument containing an order under section 20 which relates to the handling of petitions by a community council in Wales unless a draft of the instrument containing the order has been laid before, and approved by, a resolution of the National Assembly for Wales.

22 Interpretation

- (1) In this Chapter—
 - “active petition” has the meaning given by section 14(1);
 - “appropriate national authority” means—
 - (a) the Secretary of State, in relation to a principal local authority or other authority in England;
 - (b) the Welsh Ministers, in relation to a principal local authority or other authority in Wales;
 - “e-petition facility” has the meaning given by section 10(4);

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“executive arrangements” has the same meaning as in Part 2 of the [Local Government Act 2000 \(c. 22\)](#);

“non-unitary district council” means a district council for an area which is part of the area of a county council;

“overview and scrutiny committee”, in relation to a principal local authority operating executive arrangements, means a committee appointed by the authority under section 21 of the [Local Government Act 2000](#);

“petition organiser”, in relation to a petition made to a principal local authority, means—

- (a) the person designated in the petition as the person with whom the authority may deal in relation to the petition, or
- (b) such other person as agrees with the authority to be the person with whom the authority may deal in relation to the petition;

“petition scheme” has the meaning given by section 11(2);

“principal local authority” has the meaning given by section 10(3).

- (2) For the purposes of this Chapter, the date on which a petition using a principal local authority’s e-petition facility is made to the authority is such date after the petition is first opened for signature as may be—

- (a) determined by the petition organiser, or
- (b) in the absence of such determination, specified in the scheme.

CHAPTER 3

INVOLVEMENT IN FUNCTIONS OF PUBLIC AUTHORITIES

23 Duty of public authorities to secure involvement

- (1) Where an authority to which this section applies considers it appropriate for representatives of interested persons (or of interested persons of a particular description) to be involved in the exercise of any of its relevant functions by being—

- (a) provided with information about the exercise of the function,
- (b) consulted about the exercise of the function, or
- (c) involved in another way,

it must take such steps as it considers appropriate to secure that such representatives are involved in the exercise of the function in that way.

- (2) This section applies to the following authorities—

- (a) the Arts Council of England;
- (b) the English Sports Council;
- (c) the Environment Agency;
- (d) the Health and Safety Executive;
- (e) the Historic Buildings and Monuments Commission for England;
- (f) the Homes and Communities Agency;
- (g) the Museums, Libraries and Archives Council;
- (h) Natural England;
- (i) a regional development agency;
- (j) a police authority in England;

- (k) a chief officer of police for a police force in England;
 - (l) a local probation board for an area in England or a probation trust (other than a Welsh probation trust as defined by paragraph 13(6) of Schedule 1 to the Offender Management Act 2007 (c. 21));
 - (m) a youth offending team for an area in England;
 - (n) the Secretary of State.
- (3) In this section, “relevant functions” means—
- (a) in relation to an authority specified in subsection (2)(a) to (m), all the functions of the authority except in so far as those functions are not exercisable in or in relation to England;
 - (b) in relation to the Secretary of State, the Secretary of State’s functions under—
 - (i) section 2 of the [Employment and Training Act 1973 \(c. 50\)](#) (arrangements with respect to obtaining etc employment or employees), and
 - (ii) sections 2 and 3 of the Offender Management Act 2007 (c. 21) (responsibility for ensuring the provision of probation services throughout England and Wales),
 except in so far as those functions are not exercisable in relation to England.
- (4) Subsection (1) does not require an authority to take a step—
- (a) if the authority does not have the power to take the step apart from this section, or
 - (b) if the step would be incompatible with any duty imposed on the authority apart from this section.
- (5) Subsection (1) does not apply in such cases as the Secretary of State may by order made by statutory instrument specify.
- (6) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “interested person”, in relation to a relevant function, means a person who is likely to be affected by, or otherwise interested in, the exercise of the function;
 - “representative” means, in relation to interested persons or a description of interested person, a person who appears to an authority to which this section applies to be representative of the interested persons;
 - “regional development agency” means a development agency established by section 1 of the [Regional Development Agencies Act 1998 \(c. 45\)](#).
- (8) The Secretary of State’s functions under this section by virtue of subsection (3)(b)(ii) are functions to which section 2(1)(c) of the Offender Management Act 2007 (c. 21) (functions to be performed through arrangements under section 3 of that Act) applies.

24 Duty of public authorities to secure involvement: guidance

- (1) The Secretary of State may give guidance to authorities to which section 23 applies (other than the Secretary of State) in relation to the discharge of their duties under that section.
- (2) Guidance under this section—

- (a) may be given generally or to one or more particular authorities;
 - (b) may be different for different authorities;
 - (c) must be published.
- (3) Before giving guidance under this section the Secretary of State must consult the authority or authorities to which it is given.
- (4) An authority to which section 23 applies must, in deciding how to fulfil its duties under that section, have regard to any guidance given to it under this section.

CHAPTER 4

HOUSING

25 Establishment and assistance of bodies representing tenants etc

- (1) The Secretary of State may—
- (a) establish a body with the functions specified in subsections (2) to (5);
 - (b) give financial or other assistance to any person for the purpose of establishing a body with those functions;
 - (c) give financial or other assistance to any body appearing to the Secretary of State to have those functions for the purpose of the carrying out by the body of any or all of those functions.
- (2) The function in this subsection is that of representing, or facilitating the representation of, the views and interests of—
- (a) tenants of social housing in England, or
 - (b) tenants of social housing and other residential property in England.
- (3) The function in this subsection is that of conducting or commissioning research into issues affecting—
- (a) tenants of social housing in England, or
 - (b) tenants of social housing and other residential property in England.
- (4) The function in this subsection is that of promoting the representation by other bodies of—
- (a) tenants of social housing in England or any part of England, or
 - (b) tenants of social housing and other residential property in England or any part of England.
- (5) It is immaterial for the purposes of subsection (1)(a) to (c) that a body may also have other functions.
- (6) Assistance under this section may be given in such form (including financial assistance by way of grant, loan or guarantee) as the Secretary of State considers appropriate.
- (7) Assistance under this section may be given on such terms as the Secretary of State considers appropriate.
- (8) The terms on which assistance under this section may be given include, in particular, provision as to the circumstances in which it must be repaid or otherwise made good to the Secretary of State and the manner in which that must be done.

(9) A person or body to whom assistance is given under this section must comply with any terms on which it is given.

(10) In this section—

“social housing” has the meaning given by section 68 of the Housing and Regeneration Act 2008 (c. 17);

“tenant”, in relation to social housing, has the meaning given by section 275 of that Act.

26 Consultation of bodies representing tenants etc

(1) The Housing and Regeneration Act 2008 (c. 17) is amended as follows.

(2) After section 278 insert—

“278A Power to nominate for consultation purposes

(1) The Secretary of State may for the purposes of the following provisions of this Part nominate a body appearing to the Secretary of State to represent the interests of tenants of social housing in England—

- (a) section 112(4);
- (b) section 174(5);
- (c) section 196(1);
- (d) section 197(4);
- (e) section 216.

(2) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) under this section.”

(3) In each of sections 112(4) (consultation about criteria for registration of providers of social housing) and 174(5) (consultation about disposal of dwellings by registered providers of social housing)—

- (a) after paragraph (b) (and before the “and” following that paragraph) insert—
“*(ba)* any body for the time being nominated under section 278A,”;
- (b) in paragraph (c), after “one or more” insert “other”.

(4) In section 196(1) (consultation about standards etc for registered providers of social housing)—

- (a) after paragraph (b) insert—
“*(ba)* any body for the time being nominated under section 278A,”;
- (b) in paragraph (c), after “one or more” insert “other”.

(5) In section 197(4) (consultation about directions relating to standards)—

- (a) after paragraph (d) insert—
“*(da)* any body for the time being nominated under section 278A,”;
- (b) in paragraph (e), after “one or more” insert “other”.

(6) In section 216 (consultation about guidance to registered providers of social housing)

- (a) after paragraph (a) insert—
“*(aa)* any body for the time being nominated under section 278A,”;

- (b) in paragraph (b), after “one or more” insert “other”.

CHAPTER 5

LOCAL FREEDOMS AND HONORARY TITLES

27 Local freedoms

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1) insert—
 - “(1A) Where the son of a freeman of a city or town may claim to be admitted as a freeman of that place, the daughter of a freeman may likewise claim to be so admitted.
 - (1B) The son or daughter of a freeman of a city or town shall be admitted as a freeman whether born before or after the admission, as a freeman, of his or her freeman parent and wherever he or she was born.
 - (1C) In subsections (1A) and (1B) “freeman” excludes a freeman of the City of London.”

28 Power to amend law relating to local freedoms

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1C) insert—
 - “(1D) Schedule 28A (amendment of laws relating to freedom of city or town) shall have effect.”
- (3) Before Schedule 29 insert—

“SCHEDULE 1

AMENDMENT OF LAWS RELATING TO FREEDOMS OF CITIES AND TOWNS

1 Introductory

- (1) This Schedule makes provision for the laws relating to freedom of a city or town to be amended by, or pursuant to, a resolution of persons admitted to that freedom.
- (2) The powers conferred by this Schedule are without prejudice to any other power to amend the law relating to freedom of a city or town.
- (3) In this Schedule—
 - “appropriate national authority” means—
 - (a) the Secretary of State, in relation to a city or town in England;
 - (b) the Welsh Ministers, in relation to a city or town in Wales;
 - “enactment” includes in particular—

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

- (a) a royal charter or other instrument made under the royal prerogative;
- (b) any instrument made under an enactment.

2 Powers to amend law in respect of women and civil partners

- (1) The purposes of this paragraph are—
 - (a) to provide for a woman to have the right to be admitted to freedom of a city or town in any or all circumstances where a man has that right;
 - (b) to enable a woman admitted to the freedom of a city or town (whether pursuant to this Schedule or otherwise) to use the title “freewoman”;
 - (c) to put a civil partner or surviving civil partner of a person admitted to freedom of a city or town in the same position as a spouse or surviving spouse of such a person.
- (2) The appropriate national authority may by order amend an Act for any purpose of this paragraph, if the amendment is proposed by a qualifying resolution.
- (3) A qualifying resolution may amend—
 - (a) any enactment other than an Act, or
 - (b) the law established by custom,for any purpose of this paragraph.
- (4) An amendment may not be made under this paragraph for the purpose specified in sub-paragraph (1)(a) if the effect of the amendment in any case or circumstances would be to deprive a man of the right to be admitted to freedom of a city or town.
- (5) A provision of a public general Act may not be amended under this paragraph unless the provision relates only to—
 - (a) a particular city or town, or
 - (b) a specified group of cities or towns.

3 Power to amend royal charters

- (1) Her Majesty may by Order in Council amend the law relating to rights of admission to freedom of a city or town where—
 - (a) the law is contained in a royal charter; and
 - (b) the amendment is proposed in a qualifying resolution.
- (2) It is immaterial for the purposes of sub-paragraph (1) above whether the amendment is one which could be made under paragraph 2(3) above.
- (3) An Order in Council under this paragraph is not a statutory instrument for the purposes of the Statutory Instruments Act 1946.

4 Powers to amend laws established by custom

- (1) A qualifying resolution may amend the law relating to rights of admission to freedom of a city or town where the law is established by custom.
- (2) The power in sub-paragraph (1) above does not include power to make an amendment which could be made under paragraph 2(3) above.

5 Consequential amendments

- (1) The power to make an amendment under paragraph 2(2) above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—
 - (a) any enactment, or
 - (b) the law established by custom.
- (2) The power to make an amendment under paragraph 2(3), 3 or 4 above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—
 - (a) any enactment other than an Act, or
 - (b) the law established by custom.
- (3) Where an amendment is made under paragraph 2(3), 3 or 4 above, the appropriate national authority may by order make consequential amendments to any Act, if the consequential amendments are proposed by a qualifying resolution.
- (1) Where by virtue of an amendment under paragraph 2, 3 or 4 above a person has the right of admission to freedom of city or town, the following amendments in particular are to be regarded as consequential for the purposes of this Schedule—
 - (a) an amendment for the purpose of putting that person in the same position as any other person admitted to that freedom;
 - (b) an amendment for the purpose of putting a person who by marriage, civil partnership, descent, employment or otherwise is or has been related to or associated with that person in the same position as a person correspondingly related to or associated with any other person admitted to that freedom;
 - (c) an amendment for the purpose of putting a person who is or has been related by marriage or civil partnership to a surviving spouse or civil partner or child of that person in the same position as a person correspondingly related to the surviving spouse or civil partner or child of any other person admitted to that freedom.
- (2) In determining for the purposes of sub-paragraph (1) above whether one relationship corresponds with another, differences of gender are to be ignored.

7 Qualifying resolutions

- (1) For the purposes of this Schedule, a “qualifying resolution” is a resolution—
 - (a) in relation to which the requirements of paragraph 8 below are complied with; and
 - (b) which is passed in accordance with paragraph 9 below.
- (1) The requirements of this paragraph in relation to a resolution are as follows.
- (2) The resolution must be proposed by three or more eligible persons.
- (3) Voting on the resolution is to be by postal ballot.

- (4) The proposers must make reasonable endeavours to secure that each eligible person is sent—
 - (a) a notice of the ballot, and
 - (b) a ballot paper.
- (5) The notice must state—
 - (a) the resolution proposed,
 - (b) the purpose of the resolution, and
 - (c) the date by which ballot papers must be returned (the “voting date”).
- (6) Any notice and ballot paper must be sent at least 28 days before the voting date.
- (7) For the purposes of this paragraph, a notice or ballot paper is sent to a person on the day it is posted by first class post to the last known address of that person.
- (1) A resolution is passed in accordance with this paragraph if—
 - (a) it is passed by a majority of the eligible persons voting on the resolution,
 - (b) the number of eligible persons voting on the resolution is at least 10% of the number of eligible persons to whom notice is sent under paragraph 8(4) above, and “the resolution is notified to the relevant council within six weeks from the voting date.
- (2) For the purposes of sub-paragraph (1)(c) above, the resolution is notified by delivery of the following documents to the relevant council—
 - (a) a copy of the resolution;
 - (b) a copy of the notice sent under paragraph 8(4) above;
 - (c) a statement in writing of the names of the eligible persons to whom the notice was sent;
 - (d) a statement in writing of the number of eligible persons who voted on the resolution and of the number who voted in favour of it;
 - (e) all ballot papers returned in accordance with the notice.
- (3) The relevant council must keep the documents delivered under sub-paragraph (2) above, but need not keep those within paragraphs (b) to (e) of that sub-paragraph if it considers that it is no longer reasonably necessary to do so.

In paragraphs 8 and 9 above—

“eligible person” means a person whose name is on the roll of persons admitted to the freedom of the city or town concerned kept under section 248(2) above;

“relevant council” means—

- (a) in relation to a city or town in England—
 - (i) the district council in whose area the city or town is situated, or
 - (ii) if the city or town is not in the area of a district council, the county council in whose area it is situated;
- (b) in relation to a city or town in Wales, the principal council in whose area the city or town is situated.

11 Order-making powers: supplementary

- (1) A statutory instrument containing an order under this Schedule which contains an amendment to a public general Act is subject to annulment—
 - (a) by either House of Parliament, in the case of an order made by the Secretary of State;
 - (b) by the National Assembly for Wales, in the case of an order made by the Welsh Ministers.”
- (4) In section 248—
 - (a) in subsection (1), after “this section”, in both places, insert “and Schedule 28A”;
 - (b) in subsection (2), for “freemen” substitute “persons admitted to the freedom”;
 - (c) in subsection (3)—
 - (i) for “as a freeman” substitute “to the freedom”;
 - (ii) for “his”, in both places, substitute “the person’s”;
 - (iii) for “freemen” substitute “persons admitted to the freedom”;
 - (d) in subsection (4), in paragraphs (a), (b) and (c), for “freeman” substitute “person admitted to the freedom”.

29 Honorary titles

- (1) Section 249 of the [Local Government Act 1972 \(c. 70\)](#) (honorary aldermen and freemen) is amended as follows.
- (2) In the heading, for “Honorary aldermen and freemen” substitute “Honorary titles”.
- (3) In subsection (1) (power of principal councils to confer title of honorary aldermen), after “honorary aldermen” insert “or honorary alderwomen”.
- (4) In subsection (2)—
 - (a) after “honorary alderman” insert “or honorary alderwoman”;
 - (b) after “as alderman” insert “or alderwoman”;
 - (c) after “as an alderman” insert “or alderwoman”.
- (5) In subsection (4), after “honorary alderman” insert “or honorary alderwoman”.
- (6) After that subsection insert—

“(4A) A principal council may spend such reasonable sum as they think fit for the purpose of presenting an address, or a casket containing an address, to a person on whom they have conferred the title of honorary alderman or honorary alderwoman.”
- (7) For subsections (5) to (9) (honorary freemen) there is substituted—
 - “(5) Subject as follows, a relevant authority may admit to be honorary freemen or honorary freewomen of the place or area for which it is the authority—
 - (a) persons of distinction, and
 - (b) persons who have, in the opinion of the authority, rendered eminent services to that place or area.
 - (6) In this section “relevant authority” means—

- (a) a principal council;
 - (b) a parish or community council;
 - (c) charter trustees in England constituted—
 - (i) under section 246 of the Local Government Act 1972,
 - (ii) by the Charter Trustees Regulations 1996 (SI 1996/263), or
 - (iii) under Part 1 of the Local Government and Public Involvement in Health Act 2007.
- (7) The power in subsection (5) above is exercisable by resolution of the relevant authority.
- (8) A resolution under subsection (7) above must be passed—
- (a) at a meeting of the relevant authority which is specially convened for the purpose and where notice of the object of the meeting has been given; and
 - (b) by not less than two-thirds of the members of the relevant authority (or, in the case of charter trustees, of the trustees) who vote on it.
- (9) A relevant authority may spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of honorary freeman or honorary freewoman under subsection (5) above.
- (10) The admission of a person as honorary freeman or honorary freewoman does not confer on that person any of the rights referred to in section 248(4) above.”

CHAPTER 6

POLITICALLY RESTRICTED POSTS

30 Politically restricted posts

- (1) The [Local Government and Housing Act 1989 \(c. 42\)](#) is amended as follows.
- (2) In section 2 (politically restricted posts), in subsection (2) omit—
 - (a) paragraphs (a) and (b), and
 - (b) in paragraph (c), the words “not falling within paragraph (a) or (b) above”.
- (3) In section 3 (grant and supervision of exemptions from political restriction: Scotland and Wales), in subsection (3) omit—
 - (a) in paragraph (a), the word “and”,
 - (b) paragraph (b), and
 - (c) the words from “and it shall” to the end of the subsection.
- (4) In section 3A (grant and supervision of exemptions from political restriction: England), in subsection (2) omit—
 - (a) in paragraph (a), the word “and”,
 - (b) paragraph (b), and
 - (c) the words from “and the relevant” to the end of the subsection.