

# The Local Government Act 2000 (Constitutions) (England) Direction 2000

The Secretary of State for the Environment, Transport and the Regions, in the exercise of his powers under sections 37(1)(a) and 48(7) of the Local Government Act 2000 (c.22) (the Act) and all other powers enabling him in that behalf, hereby directs all local authorities in England to which Part II of the Act applies as follows:

## Miscellaneous and interpretation

1. In the direction:

"constitution" has the meaning given by section 37(1) of the Act,

"overview and scrutiny committee":

- a. in the case of a local authority which is operating executive arrangements has the meaning given by section 21(1) of the Act; or
  - b. in the case of a local authority which is operating alternative arrangements means any committee or sub-committee appointed by the authority in accordance with regulations made under section 32(1)(b) of the Act to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority.
2. In complying with this direction a local authority must have regard to any guidance issued for the time being by the Secretary of State under section 38 of the Act.

## The constitution

3. The constitution prepared and kept up to date in accordance with section 37(1) of the Act by a local authority which is operating executive arrangements or, as the case may be, alternative arrangements must include:

	Requirement of Direction	Relevant part of Council's Constitution	Comment
a	a summary and explanation of the purpose and content of the constitution;	Article 1	
b	a description of the composition of the council, the scheme of ordinary elections for members of the council and their terms of office;	Article 2	
c	a description of the principal roles and functions of the members of the council under executive arrangements or, as the case may be, alternative arrangements including the rights and duties of	Article 5, Part 7	

	<b>Requirement of Direction</b>	<b>Relevant part of Council's Constitution</b>	<b>Comment</b>
	those members;		
d	the scheme of allowances for members of the authority drawn up in accordance with regulations made under section 18 of the Local Government and Housing Act 1989 (c.42);	Part 6	Phase 2 recommendation c
e	a description of the rights and responsibilities of inhabitants of the authority's area including: <ul style="list-style-type: none"> <li>i. their rights to vote in elections for the return of members of the authority;</li> <li>ii. their rights to access to information about the authority's activities;</li> <li>iii. their rights of access to meetings of the council, its committees and sub-committees and any joint committees established with any other authority; and</li> <li>iv. their rights of access to meetings of the executive and committees of the executive,</li> </ul>	Article 3 Access to information rules Council and cabinet procedure rules	
f	a description of the roles of the authority itself under executive arrangements or, as the case may be, alternative arrangements including: <ul style="list-style-type: none"> <li>i. the functions which may be exercised only by the authority itself or which may to some extent be exercised only by the authority itself (including, in the case of a local authority operating executive arrangements any plans and strategies which are subject to approval or adoption by the authority itself by virtue of regulation 5 of, and paragraph 1 of Schedule 4 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853)); and</li> <li>ii. any rules governing the conduct and proceedings of meetings of the authority itself whether specified in the authority's standing orders or otherwise;</li> </ul>	Function scheme – cabinet Council and cabinet procedure rules	
g	a description of the roles and functions of the chairman of the council (including a chairman entitled to the style of mayor);	Article 4	

	<b>Requirement of Direction</b>	<b>Relevant part of Council's Constitution</b>	<b>Comment</b>
h	a description of the functions of the local authority executive which, for the time being, are exercisable by individual members of the local authority executive stating as respects each function, the name of the member by whom it is exercisable;	Functions scheme – cabinet Part 7	
i	a description of the functions of the local authority executive which, for the time being, are exercisable by the executive collectively or a committee of the executive, stating as respects each function, the membership of the body by who it is exercisable	Cabinet functions	
j	a description of those powers of the executive which for the time being are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for the time being exercisable, other than any power exercisable by the officer for a specified period not exceeding six months	Officer function	
k	a description of the arrangements for the operation of overview and scrutiny committees including: <ul style="list-style-type: none"> <li>i. the terms of reference and membership of those committees and any rules governing the exercise of their functions; and</li> <li>ii. any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise;</li> </ul>	Article 6 Function scheme – overview and scrutiny Overview and scrutiny rules	
l	in the case of a local authority which is operating executive arrangements, a description of the roles of the executive, committees of the executive and members of the executive including: <ul style="list-style-type: none"> <li>i. the roles, functions, rights, responsibilities and duties of members of the executive;</li> <li>ii. in the case of a local authority which is operating executive arrangements which include a leader and cabinet form of executive, any rules governing the election of the executive leader;</li> <li>iii. any rules governing the appointment of members of the executive;</li> <li>iv. any provisions in the local authority's executive arrangements with respect to the quorum, proceedings and location of meetings of the executive;</li> </ul>	Article 5 Function scheme – cabinet cabinet rules	

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	<ul style="list-style-type: none"> <li>v. any provisions in the local authority's executive arrangements with respect to the quorum, proceedings and location of meetings of any committees of the executive;</li> <li>vi. any provisions in the local authority's executive arrangements with respect to the appointment of committees of the executive; and</li> <li>vii. in the case of a local authority which is operating executive arrangements which include a mayor and council manager form of executive, any roles of committees appointed by the elected mayor to advise the executive in accordance with paragraphs 3(14) and (15) of Schedule 1 to the Act;</li> </ul>		
m	in the case of a local authority which is operating executive arrangements which include a mayor and council manager form of executive, a description of the roles, functions, rights, responsibilities and duties of the deputy mayor appointed in accordance with paragraph 3(3) of Schedule 1 to the Act;	N/a	
n	<p>a description of the roles of any committees or sub-committees appointed by the authority in accordance with section 101 of the Local Government Act 1972 (c.70) including:</p> <ul style="list-style-type: none"> <li>i. the membership, terms of reference and functions of such committees or sub-committees; and</li> <li>ii. any rules governing the conduct and proceedings of meetings of those committees or sub-committees whether specified in the authority's standing orders or otherwise;</li> </ul>	<p>Article 8</p> <p>Functions scheme – other</p> <p>Council rules</p> <p>Planning rules</p>	
o	a description of those powers of the council which for the time being are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for the time being exercisable, other than any power exercisable by the officer for a specified period not exceeding six months;	Functions scheme – officer	
p	<p>a description of the roles of the local authority's Standards Committee and any parish council sub-committee of the Standards Committee appointed in accordance with sections 53 or 55 of the Act including:</p> <ul style="list-style-type: none"> <li>i. the membership, terms of reference and functions of that committee or sub-committee; and</li> </ul>	<p>Article 8</p> <p>Function scheme - other</p>	

	<b>Requirement of Direction</b>	<b>Relevant part of Council's Constitution</b>	<b>Comment</b>
	ii. any rules governing the conduct and proceedings of meetings of that committee or sub-committee whether specified in the authority's standing orders or otherwise;	Council procedure rules	
q	a description of the roles of any area committees appointed by the authority to exercise functions in accordance with regulations 16A of the Local Government (Committees and Political Groups) Regulations 1990 (SI 1990/1553) or, as the case may be, section 18 of the Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (SI 2000/2851) including: <ul style="list-style-type: none"> <li>i. the membership, terms of reference and functions of such committees; and</li> <li>ii. any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise;</li> </ul>	N/a	
r	a description of any joint arrangements made with any other local authorities under section 101(5) of the Local Government Act 1972 including: <ul style="list-style-type: none"> <li>i. the terms of those arrangements;</li> <li>ii. the membership, terms of reference and functions of any joint committees established under those arrangements; and</li> <li>iii. any rules governing the conduct and proceedings of meetings of those joint committees whether specified in the authority's standing orders or otherwise</li> </ul>	Article 9	Need live link
s	a description of any arrangements made with another local authority for the discharge of functions by that other local authority or the executive of that other local authority in accordance with section 101(1)(b) of the Local Government Act 1972 or, as the case may be, Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000;	Article 9	Need live link
t	a description of the roles of officers of the local authority including: <ul style="list-style-type: none"> <li>i. the management structure for officers of the authority;</li> <li>ii. any arrangements made under section 101 of the Local Government Act 1972 or, as the case may be, section 14, 15 or 16 of the Act for the discharge of functions by officers</li> </ul>	Part 7 Article 10	Need live link to transparency

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	<p>of the authority;</p> <p>iii. the roles and functions of the head of paid service, monitoring officer and chief finance officer;</p> <p>iv. the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Act;</p> <p>v. any rules governing the recruitment, appointment, dismissal and disciplinary action for officers of the authority;</p> <p>vi. any protocol established by the authority in respect of relationships between members of the authority and officers of the authority;</p>	<p>Codes</p> <p>Function scheme – council</p> <p>Function scheme – other – employment panel</p> <p>Protocol</p>	<p>Phase 2</p> <p>Phase 2</p>
u	a description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to meetings of the authority, committees and sub-committees of the authority, joint committees established with any other local authority, the executive and committees of the executive;	Access to information rules	
v	a description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to information about the decisions made or to be made by in respect of local authority's functions and activities;	Access to information rules	
w	<p>a register stating:</p> <p>i. the name and address of every member of the local authority executive for the time being and the ward or division (if any) which he represents; and</p> <p>ii. the name of every member of each committee of the local authority's executive for the time being;</p>	Part 7	
x	<p>a description of the rules and procedures for the management of its financial, contractual and legal affairs including:</p> <p>i. procedures for auditing of the local authority;</p> <p>ii. the local authority's financial rules or regulations or such equivalent provisions as the local authority may have in place whether specified in the authority's standing orders or otherwise;</p> <p>iii. rules, regulations and procedures in respect of contracts</p>	<p>Finance and contract procedure rules</p> <p>Article 10</p> <p>Functions scheme- council</p>	Phase 2

	<b>Requirement of Direction</b>	<b>Relevant part of Council's Constitution</b>	<b>Comment</b>
	and procurement including authentication of documents whether specified in the authority's standing orders or otherwise; and iv. rules and procedures in respect of legal proceedings brought by and against the local authority;	Functions scheme - officers	
y	a description of the register of interests of members and co-opted members of the authority required under section 81 of the Act, together with the procedures for publicising, maintaining and updating that register.	Code of conduct	Phase 2
x	a description of the rules and procedures for review and revision of the authority's constitution and executive arrangements or, as the case may be, alternative arrangements	Article 1 Functions scheme- other –audit	

4. This direction shall have effect from 19th December 2000.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions