

Local Government Ombudsman (Amendment) Bill

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TO

Extend the powers of the Local Government Ombudsman to provide redress against local authorities which unreasonably ban events on the grounds of health and safety.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendments to the Local Government Act 1974

(1) The Local Government Act 1974 is amended as follows.

(2) After section 26(1A) there is inserted—

“(1B) Notwithstanding the provisions of subsection (1) and the exclusions in Schedule 5, if a local authority bans or imposes restrictions on any event on the grounds of health and safety, the event organiser has the right to seek an investigation by a Local Commissioner under subsection (1).” 5

(3) In section 31(2), for the words from “to consider the report” to the end of the subsection substitute—

“, in relation to events which have unreasonably been banned on the grounds of health and safety, to carry out in full all recommendations proposed by the Local Commissioner within the period of three months beginning with the date on which the local authority receives the report, or such longer period as the Local Commissioner may agree in writing. The Local Commissioner in these cases has the right of redress against local authorities, including the ability to compel local authorities to pay compensation to the event organiser for events unreasonably banned or restricted.” 10 15

2 Duties of local authorities

(1) Where a local authority bans or imposes restrictions on any event on the grounds of health and safety, the local authority must provide the event organiser with written notification of the decision on the day on which the decision is taken. 20

- (2) The written notification must include—
- (a) the details of the ban or the restriction, and
 - (b) reasons why the ban or the restriction has been imposed.
- (3) On receipt of a written notification an event organiser may ask the local authority to review the decision and the local authority must conduct such a review within two weeks of the request being received and issue written notification of its further decision to the event organiser. 5
- (4) Any failure of a local authority to comply with subsections (1), (2) or (3) may be referred to a Local Commissioner or the Local Government Ombudsman.
- (5) In this section “local authority” means— 10
- (a) a county council in England;
 - (b) a district council;
 - (c) a London borough council;
 - (d) the Greater London Authority;
 - (e) the Common Council of the City of London in its capacity as a local authority; 15
 - (f) the Council of the Isles of Scilly.
- 3 Financial provisions**
- There shall be paid out of money provided by Parliament—*
- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and* 20
 - (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*
- 4 Short title, commencement and extent**
- (1) This Act may be cited as the Local Government Ombudsman (Amendment) Act 2011. 25
 - (2) This Act comes into force on the day on which it is passed.
 - (3) This Act extends to England and Wales only.

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To extend the powers of the Local Government Ombudsman to provide redress against local authorities which unreasonably ban events on the grounds of health and safety.

*Presented by Mr Christopher Chope,
supported by Mr Peter Bone, Philip Davies,
Mr Philip Hollobone, Mr David Nuttall,
Mr Greg Knight and Priti Patel.*

*Ordered, by The House of Commons,
to be Printed, 21 October 2010.*

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