

Local Government Ombudsman (Amendment) Bill (changed to Local Government (Review of Decisions) Bill)

CONTENTS

- 1 Decisions invoking health or safety: notification, reasons and review
- 2 Procedure for investigations by Local Government Ombudsman
- 3 Financial provisions
- 4 Short title, commencement and extent

A

B I L L

[AS AMENDED IN PUBLIC BILL COMMITTEE]

TO

Make provision about the procedure for conducting investigations under Part 3 of the Local Government Act 1974; and to make provision for cases where an authority to which that Part applies takes a decision that affects the holding of an event for a reason relating to health or 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 Decisions invoking health or safety: notification, reasons and review

In the Local Government Act 1974 before Part 3 insert—

“PART 2A

DECISIONS RELATING TO HOLDING OF EVENTS

22A Decisions invoking health or safety: notification, reasons and review 5

- (1) Subsection (2) applies if—
- (a) a decision that relates to an event is taken by or on behalf of an authority to which Part 3 of this Act applies,
 - (b) the decision is taken in connection with the exercise of the authority’s administrative functions, and 10
 - (c) for a reason related to the health or safety of any person, or for reasons that include such a reason, the decision has effect to—
 - (i) stop the holding of the event,
 - (ii) impose restrictions on the holding of the event,
 - (iii) impose conditions to be met in connection with the holding of the event, or 15
 - (iv) do all, or any two, of those things.

- (2) The authority must ensure that written notification of the decision is given (electronically or otherwise) to—
- (a) the person who made the application or other request to which the decision is a response, or
 - (b) a person who appears to the authority to be an organiser of the event if the decision is made otherwise than on a request. 5
- (3) Written notification given for the purposes of subsection (2) —
- (a) must be given on the day the decision is taken or, if it is not reasonably practicable to give the notification on that day, must be given on the first working day after that day, 10
 - (b) must, if the decision has the effect mentioned in subsection (1)(c)(i), give details of the decision’s effect,
 - (c) must, if the decision has the effect mentioned in subsection (1)(c)(ii) or (iii), give details of the restrictions or conditions,
 - (d) must include the reasons for the decision so far as it has any of the effects mentioned in subsection (1)(c)(i) to (iii), and 15
 - (e) may be a notification that is given also for other purposes.
- (4) Subsection (5) applies if—
- (a) for the purposes of subsection (2) an authority gives a person notification of a decision, and 20
 - (b) the person, or some other person who is an organiser of the event, asks the authority to review the decision.
- (5) The authority must ensure—
- (a) that a review of the decision is completed— 25
 - (i) as soon as is reasonably practicable after the authority receives the request for the review, and
 - (ii) in any event, within two weeks of the day on which the authority receives the request, and
 - (b) that the person who asked for the review is given (electronically or otherwise) written notification of the decision made on the review, including the reasons for the decision, as soon as is reasonably practicable after the decision is made. 30
- (6) On a review under subsection (5) of a decision, the decision is to be—
- (a) confirmed,
 - (b) withdrawn, 35
 - (c) replaced by any other decision that could have been taken in the first instance, or
 - (d) varied (but only if the decision as varied is one that could have been taken in the first instance).
- (7) If a person has rights to appeal against or otherwise challenge a decision reviewed under subsection (5), the person has the corresponding rights to challenge the decision made on the review. 40
- (8) In this section “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. 45

2 Procedure for investigations by Local Government Ombudsman

- (1) Section 28 of the Local Government Act 1974 (procedure in respect of investigations under Part 3 by Local Commissioners) is amended as follows.
- (2) In subsection (2) (investigations by Local Commissioner to be conducted in private but otherwise as the Local Commissioner considers appropriate) after “without prejudice to the generality of the preceding provision” insert “–
 - (a) the Local Commissioner may, as well as adopting different procedure for different cases, adopt different procedure for cases of different descriptions; and
 - (b) ”.
- (3) After subsection (4) insert –
 - “(5) The differential procedure authorised by subsection (2)(a) includes (in particular) procedure for cases of a particular description that is expected to be faster than that for at least some other cases.”

3 Financial provisions

There shall be paid out of money provided by Parliament 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 (Review of Decisions) Act 2012.
- (2) This Act comes into force two months after the day on which it is passed.
- (3) This Act extends to England and Wales only.

Local Government Ombudsman (Amendment) Bill (changed to Local Government (Review of Decisions) Bill)

A

B I L L

[AS AMENDED IN PUBLIC BILL COMMITTEE]

To make provision about the procedure for conducting investigations under Part 3 of the Local Government Act 1974; and to make provision for cases where an authority to which that Part applies takes a decision that affects the holding of an event for a reason relating to health or 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, 11 January 2012.*

© Parliamentary copyright House of Commons 2012

*This publication may be reproduced under the terms of the Parliamentary Click-Use Licence, available online through The National Archives website at www.nationalarchives.gov.uk/information-management/our-services/parliamentary-licence-information.htm
Enquiries to The National Archives, Kew, Richmond, Surrey, TW9 4DU;
email: psi@nationalarchives.gsi.gov.uk*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by The Stationery Office Limited
£x.xx