

# **Local Government (Review of Decisions) Bill**

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Communities and Local Government with the agreement of Charlie Elphicke, the Member in charge of the Bill, are published separately as Bill 77-EN.



# Local Government (Review of Decisions) Bill

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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.

**B**E 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 Decision 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

- |            |                                                                                                                                        |    |
|------------|----------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>22A</b> | <b>Decisions invoking health or safety: notification, reasons and review</b>                                                           | 5  |
| (1)        | Subsection (2) applies if—                                                                                                             |    |
|            | (a) a decision that relates to an event in England 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                                       | 20 |

- (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.
- (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, 5
  - (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, 10
  - (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
  - (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 15
  - (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 – 20
    - (i) as soon as is reasonably practicable after the authority receives the request for the review, and
    - (ii) in any event, by the end of 15 days beginning with 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. 25
- (6) On a review under subsection (5) of a decision, the decision is to be –
- (a) confirmed, 30
  - (b) withdrawn,
  - (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). 35
- (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.
- (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.” 40

## 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. 45
- (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 5
  - (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.” 10

### 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 2014. 15
- (2) This Act comes into force at the end of 2 months beginning with the day on which it is passed.
- (3) The Secretary of State may by order made by statutory instrument make such provision amending, repealing or revoking legislation as the Secretary of State considers appropriate in consequence of any provision made by this Act. 20
- (4) In subsection (3) “legislation”, in relation to any provision made by this Act, means –
  - (a) any Act passed before, or in the same Session as, this Act, or
  - (b) any instrument made under an Act before the coming into force of the provision. 25
- (5) The Secretary of State may not make an order under subsection (3) which amends or repeals a provision of an Act unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (6) A statutory instrument that – 30
  - (a) contains an order under subsection (3), and
  - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
 is subject to annulment in pursuance of a resolution of either House of Parliament. 35
- (7) This Act extends to England and Wales only, except that this section extends also to Scotland and Northern Ireland.

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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 Charlie Elphicke.*

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*Ordered, by The House of Commons,  
to be Printed, 24 June 2013.*

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