Table of Contents

Table Table Table Table	ce of Case of State of Civi of Euro of Abb	utory Instruments Il Procedure Rules Opean Legislation reviations	Page vii ix xxix ci clxxix ccxvii ccxxv Para
CHA	MILL	R 1—LOCAL GOVERNMENT CONSTITU	HOIN
1.	Introd	luction	1.1.1
2.	Local	Government	1.2.1
	(i)	Local Authorities	1.2.2
	(ii)	Unelected Local Bodies	1.2.13
	(iii)	Devolution and Regional Authorities	1.2.17
3.	Legal	Status	1.3.1
4.	Statut	ory Sources of Local Government Constitutional Law	1.4.1
	(i)	Principal Local Government Constitutional Statutes	1.4.3
	(ii)	Existence and Identity of Authorities	1.4.40
	(iii)	Executive Arrangements	1.4.131
	(iv)	Greater London Authority	1.4.217
	(v)	Joint Arrangements	1.4.235
5	Contra	al and Regional Government	1.5.1
٥.	(i)	Control	1.5.3
	\ /	Local Inquiries	1.5.7
	(iii)	Consultation	1.5.8
	(iv)	Departments	1.5.9
	(v)	National Bodies	1.5.15
	(vi)	Regional Development	1.5.66
	(vii)	Greater London Authority	1.5.83
	(viii)	National Assembly for Wales	1.5.84
	` '	International Relations	1.5.91
	(x)	Administrative Law	1.5.93

1.6.1

1.6.8

1.6.44

1.6.63

6. Strategic and General Functions

Well-being

Function Strategies

Equal Opportunities

	(iv)	Emergency Powers	1.6.87
	(v)	Incidental Powers—1972 Act, s.111	1.6.89
	(vi)	Trading and charging	1.6.97
	(vii)	Information, Publicity and Polling	1.6.146
	(viii)	Legal Proceedings	1.6.162
	(ix)	Byelaws and Local Legislation	1.6.182
	(x)	Residual Powers	1.6.192
	(xi)	Compensation for Maladministration	1.6.198
	(xii)	Greater London Authority	1.6.202
7.	Servic	e and Regulatory Functions	1.7.1
	(i)	General Matters	1.7.9
	(ii)	Development and Building Control	1.7.17
	(iii)	Environmental Health and Waste Management	1.7.81
	(iv)	Consumer Protection	1.7.133
	(v)	Health Services	1.7.155
	(vi)	Social Care	1.7.173
	(vii)	Children	1.7.194
	(viii)	Education	1.7.243
	(ix)	Housing	1.7.275
	(x)	Highways and Traffic Management	1.7.331
	(xi)	Transport	1.7.364
	(xii)	Police and Emergency Services	1.7.384
	(xiii)	Crime and Disorder	1.7.413
	(xiv)	Culture, Sport and Recreation	1.7.446
	(xv)	Animals and Plants	1.7.508
	(xvi)	Miscellaneous Other Functions	1.7.527
HA	APTE	R 2—PRINCIPLES OF LOCAL	
G	OVEF	NMENT ADMINISTRATIVE LAW	
1.	Introd	luction	2.1.1
2.	Ultra	Vires Doctrine	2.2.1
	(i)	Wednesbury	2.2.8
	(ii)	CCSU	2.2.11
	(iii)	Human Rights Act 1998	2.2.13
	(iv)	The Long Trek from Wednesbury	2.2.32
3.	Ultra	Vires Effect	2.3.1

	(i)	Void	2.3.	1
	(ii)	Mandatory and Directory Requirements	2.3.1	1
	(iii)	Human Rights	2.3.1	6
	(iv)	Local Government (Contracts) Act 1997	2.3.3	1
	(v)	Local Government Act 2003, s.6	2.3.3	3
4.	Substa	antive Ultra Vires	2.4.	1
	(i)	Duties and Powers	2.4.	5
	(ii)	Ultimate Unreasonableness	2.4.1	0
	(iii)	Proportionality	2.4.1	4
	(iv)	Purposes of Legislation	2.4.2	2
	(v)	Purpose and Parliamentary Intention	2.4.3	0
	(vi)	Relevant Factors	2.4.3	5
	(vii)	Fettering Discretion	2.4.5	5
	(viii)	Forthcoming Legislation	2.4.7	2
	(ix)	Factual Basis and Precedent Fact	2.4.7	5
	(x)	Financial Considerations	2.4.8	0
	(xi)	Bad Faith and Dishonesty	2.4.12	5
5.	Proce	dural Ultra Vires	2.5.	1
	(i)	Fairness	2.5.	2
	(ii)	Legitimate Expectation	2.5.4	3
	(iii)	Consultation	2.5.5	1
	(iv)	Delegation	2.5.5	7
6.	Europ	ean Union Law	2.6.	1
	(i)	Sources of EU Law	2.6.	5
	(ii)	Effect of EU Law	2.6.2	3
	(iii)	Impact of EU Law	2.6.4	5
7.	Europ	ean Charter of Local Self-Government	2.7.	1
8.	Local	Agenda 21	2.8.	1
9.	Extern	nal Audit	2.9.	1
	(i)	Proper Practices	2.9.	2
	(ii)	Economy Efficiency and Effectiveness	2.9.	3
	(iii)	Item of Account Contrary to Law	2.9.	4
	(iv)	Best Value	2.9.1	4
	(v)	Comprehensive Performance Assessment	2.9.1	7
10.	Malad	lministration	2.10.	1
HA	PTE	R 3—DECISIONS		
1.	Introd	luction	3.1.	1
	The second state Authority of Particular States		_ ,_,	

2.	Constitution	3.2.1
3.	Allocation of Functions	3.3.1
	(i) Executive Arrangements	3.3.1
	(ii) Alternative Arrangements	3.3.23
	(iii) Greater London Authority	3.3.27
4.	Discharge and Delegation of Functions	3.4.1
т.	(i) The Executive	3.4.3
		3.4.43
	(iii) Greater London Authority (iv) Delegation to Individual Mamban	3.4.78
	(iv) Delegation to Individual Member	3.4.89
5.	Devolution of Powers	3.5.1
	(i) Deregulation and Contracting Out Act	1994 3.5.2
	(ii) Housing Act 1985	3.5.9
	(iii) School Standards and Framework Act 1	1998 3.5.12
6.	Reviews and Appeals	3.6.1
7.	Committees and Subcommittees	3.7.1
, .	(i) Introduction	3.7.1
	(ii) The Executive	3.7.2
	(iii) Authorities	3.7.25
Q	Formal Dequirements	3.8.1
0.	Formal Requirements	3.8.5
	(i) Executive	
	(ii) Authorities	3.8.68
	(iii) Greater London Authority	3.8.110
	(iv) Individual Members	3.8.122
9.	Evidence	3.9.1
10.	Notices	3.10.1
	(i) Notices from Authorities	3.10.4
	(ii) Public Notices	3.10.16
•	(iii) Notices to Authorities	3.10.18
HA	APTER 4—MEMBERS	
1	Interdire	111
1.	Introduction	4.1.1
2.	Who May Become a Member	4.2.1
	(i) Qualification	4.2.2
	(ii) Disqualification	4.2.7
	(iii) Effect of Non-qualification or Disqualifi	ication 4.2.26

	(iv)	Other Restrictions on Being a Candidate	4.2.27
3.	Election	ons	4.3.1
	(i)	Ordinary Elections	4.3.2
	(ii)	By-elections and Filling Casual Vacancies	4.3.43
	(iii)	Electoral Registration Offer	4.3.59
	(iv)	Voter Registration	4.3.62
	(v)	Correction of the Register	4.3.63
	(vi)	Publication of the Register	4.3.65
	(vii)	Entitlement to Vote	4.3.67
	(viii)	Voters	4.3.70
	(ix)	Nominations	4.3.74
	(x)	Candidate Descriptions and Registration of Political	
		Parties	4.3.86
	(xi)	Campaign Funding	4.3.95
	\ /	Campaign Offences	4.3.103
		Conduct of Elections	4.3.114
	,	Conduct of Polls	4.3.118
	\ /	The Count	4.3.122
	,	Declaration of Result	4.3.135
	,	Election Petitions	4.3.138
	,	Oath of Office	4.3.146
4.	Chairr	nen, Appointments and Co-options	4.4.1
	(i)	Chairmen	4.4.2
	(ii)	Deputy, Acting and Interim Mayors	4.4.11
	(iii)	Executive Leaders and Members	4.4.23
	(iv)	Co-opted Members	4.4.40
	(v)	Temporary Appointments	4.4.43
	\ /		1. 1. 10
5.	Allowa	ances and Payments	4.5.1
	(i)	Legislative Framework	4.5.4
	(ii)	Authorities in England	4.5.15
	(iii)	Authorities in Wales	4.5.41
	(iv)	Greater London Authority	4.5.109
	(v)	Parish Councils	4.5.116
6.	Rights	and Responsibilities of Members	4.6.1
	(i)	Access to Information	4.6.6
	(ii)	Membership of Committees and Sub-Committees	4.6.7
	(iii)	Overview and Scrutiny Committees	4.6.8
	(iv)	Discrimination	4.6.10
	(v)	Insurance and Indemnification of Members	4.6.15
	(vi)	Single Member Budgets	4.6.17
	(vii)	Previous Structure Governing Members' Conduct	4.6.18
	(viii)	2000 Act Framework for Conduct of Members	4.6.52

	(ix)	Principles Governing Conduct of Members	4.6.62
	(x)	Model Codes of Conduct	4.6.67
	(xi)	Adoption of a Code of Conduct	4.6.126
	(xii)	Members' Duty to Comply with Code	4.6.134
	(xiii)	Failure to Comply with Code	4.6.137
		1992 LGF Act, s.106	4.6.149
7.	Invest	igations and Adjudication	4.7.1
	(i)	Standards Board for England	4.7.2
	(ii)	Investigations by Ethical Standards Officer (England)	4.7.26
	(iii)	Public Standards Ombudsman for Wales	4.7.58
	(iv)	Investigations by Public Standards Ombudsman for	
		Wales	4.7.60
	(v)	Relationship with Ombudsmen	4.7.92
	(vi)	Adjudication Panels	4.7.98
	(vii)	Local Determinations (English Authorities and	
		Welsh Police Authorities)	4.7.130
	(viii)	Matters Referred to Monitoring Officers in Wales	4.7.178
	(ix)	Delegation of Functions by Monitoring Officers	4.7.209
8.	Suspe	nsion and Loss of Office	4.8.1
	(i)	Suspension	4.8.2
	(ii)	Cessation of Qualification	4.8.26
	(iii)	Disqualification	4.8.27
	(iv)	Failure to Give Undertaking to Comply with Code	
		of Conduct	4.8.42
	(v)	Election to Another Office	4.8.43
	(vi)	Removal from Office	4.8.44
	(vii)	Resignation	4.8.45
	(viii)	Non-attendance	4.8.49
9.	Alder	men	4.9.1
HA	PTE	R 5—OFFICERS	
1.	Introd	luction	5.1.1
2.	The A	appointment of Officers	5.2.1
	(i)	General Powers of Appointment	5.2.2
	(ii)	Staff Commissions	5.2.5
	(iii)	Discrimination	5.2.12
	(iv)	EU Freedom of Movement	5.2.44
	(v)	Standing Orders	5.2.46
	(vi)	Appointment on Merit	5.2.65
	(vii)	Officers and Political Decision-Making	5.2.67
	(viii)	Political Assistants	5.2.69

	(ix) (xi) (xii) (xiii)	Disqualification of Members from Appointment Politically Restricted Appointments Head of Paid Service Chief Finance Officer Monitoring Officer	5.2.73 5.2.75 5.2.96 5.2.105 5.2.128
	(xiv)	Other Statutory Officers	5.2.152
3.	Relate	ed Staffing Responsibilities	5.3.1
	(i)	Information	5.3.2
	(ii)	Security	5.3.9
	(iii)	Indemnification	5.3.10
	(iv)	General Law	5.3.11
4.	Remu	neration, Compensation for Loss of Office and	
	Pensic		5.4.1
	(i)	Payments in Principle	5.4.2
	(ii)	Basic Pay in Law	5.4.3
	(iii)	Basic Pay in Practice	5.4.5
	(iv)	Equal Pay	5.4.6
	(v)	Local Government Employers	5.4.10
	(vi)	Teacher's Pay	5.4.13
	(vii)	Additional Payments in Law	5.4.17
	(viii)	Mental Disorder	5.4.18
	(ix)	Death	5.4.22
	(x)	Non-Statutory Payments on Departure	5.4.23
	(xi)	Redundancy Payments	5.4.26
	(xii)	Pensions	5.4.29
	(xiii)	Compensation for Loss of Office	5.4.40
	(xiv)	Reorganisation Payments	5.4.43
5.	Other	Terms of Employment	5.5.1
	(i)	Basic Terms	5.5.2
	(ii)	Code of Conduct	5.5.10
	(iii)	Accountability	5.5.17
	(iv)	Interests in Contracts	5.5.18
	(v)	Acceptance of Reward	5.5.20
	(vi)	Secondment	5.5.21
	(vii)	Political Restriction	5.5.22
6	Discin	linary Proceedings and Termination	5.6.1
	(i)	Disciplinary Procedures	5.6.2
	(ii)	Standing Orders	5.6.8
	(iii)	Fixed-Term Contracts	5.6.17
	(iv)	Unfair Dismissal	5.6.18
	(v)	Wrongful Dismissal	5.6.24
	(vi)	Resignation	5.6.26
	\ /		

	(vii) (viii)	Resignation and Constructive Dismissal Public Interest Disclosure Act 1998		5.6.28 5.6.31
CHA	APTEI	R 6—FINANCE		
1.	Introd	luction		6.1.1
2.	Finan	cial Administration		6.2.1
	(i)	Section 114 Reports		6.2.2
	(ii)	Staff, Accommodation and Resources		6.2.3
	(iii)	Proper Administration		6.2.4
	(iv)	Estimates		6.2.10
	(v)	CIPFA Guidance	J	6.2.18
	(vi)	Security for Officers		6.2.21
	(vii)	Accounts		6.2.23
3.	Reven	ue Finance		6.3.1
	(i)	Introduction		6.3.1
	(ii)	Council Tax		6.3.14
	(iii)	Non-Domestic Rating		6.3.83
	(iv)	Business Improvement Levy		6.3.109
	(v)	Central Government Grants and Subsidies		6.3.122
4.	Capita	al Finance		6.4.1
	(i)	General Provisions		6.4.5
	(ii)	Capital Expenditure		6.4.15
	(iii)	Credit		6.4.18
	(iv)	Capital Receipts		6.4.43
	(v)	Investment		6.4.53
	(vi)	External Funds		6.4.54
5.	Funds			6.5.1
	(i)	Collection Fund		6.5.2
	(ii)	General Fund		6.5.18
	(iii)	Council Fund (Wales)		6.5.21
	(iv)	City Fund		6.5.22
	(v)	County Fund		6.5.23
	(vi)	Pension Fund		6.5.24
	(vii)	Trust Funds		6.5.60
	(viii)	Exhibits Fund		6.5.61
	(ix)	Lottery Fund		6.5.63
	(x)	Metropolitan Debt Administration Funds		6.5.64
6.	Reorg	anisation		6.6.1

CHAPTER 7—PERFORMANCE, PROPERTY, INFORMATION AND SERVICE PROVISION

1.	Introd	luction	7.1.1
2.	Best \	Value and Performance Standards	7.2.1
	(i)	Publication of Information about Performance	7.2.4
	(ii)	Best Value	7.2.7
	(iii)	Comprehensive Performance Assessment	7.2.73
	(iv)	Comprehensive Area Assessment	7.2.108
3.	Prope	rty	7.3.1
	(i)	Acquisition of Property	7.3.2
	(ii)	Use of Property	7.3.58
	(iii)	Disposal of Property	7.3.67
	(iv)	Lost and Deposited Property	7.3.101
4.	Inform	nation	7.4.1
	(i)	Data Protection Act 1998	7.4.3
	(ii)	Freedom of Information Act 2000	7.4.38
	(iii)	Breach of Confidence	7.4.53
	(iv)	Other Provisions	7.4.68
5.	EU P	rocurement Law	7.5.1
	(i)	Activities Subject to the Procurement Regime	7.5.6
	(ii)	Procurement Requirements	7.5.32
	(iii)	Enforcement	7.5.96
6.	Local	Authority Companies	7.6.1
	(i)	Categories of Local Authority Company	7.6.8
	(ii)	Constraints on Local Authority Companies	7.6.33
	(iii)	Community Interest Companies	7.6.49
7.	Privat	e Finance Initiative	7.7.1
	(i)	The Nature of PFI	7.7.2
	(ii)	PFI since April 1 2004: the "Prudential" Regime	7.7.13
	(iii)	Pre-April 2004 Schemes	7.7.15
8.	Local	Government (Contracts) Act 1997	7.8.1
	(i)	Contract Certification	7.8.5
	(ii)	Effect of Certification	7.8.12
9.	Trans	fer of Undertakings	7.9.1
	(i)	Transfer of Undertakings Regulations	7.9.5
	(ii)	Application of Regulations	7.9.7

	(iii)	Effect of Regulations	7.9.2
10	. Re-o	rganisation	7.10.2
CHA	APTE	R 8—LIABILITY AND ACCOUNTABILIT	Y
IN	ILAV	V	
1.	Intro	duction	8.1.2
2.	Privat	te Law Liability of Authorities	8.2.2
	(i)	Direct Liability in Tort	8.2.6
	(ii)	Vicarious Liability in Tort	8.2.84
	(iii)	Restitution	8.2.10
3.	Privat	te Law Liability of Members and Officers	8.3.2
	(i)	Liability	8.3.2
	(ii)	Indemnity	8.3.18
4.	Crimi	inal Liability	8.4.2
	(i)	Misconduct and Corruption	8.4.3
	(ii)	Offences by Officers and Members of Bodies Corpo	r-
	(0.00X	ate	8.4.19
	(iii)	Offences by Incorporated Bodies	8.4.23
	(iv)	Vicarious Liability	8.4.3
	(v)	Local Government Act 1972, s.117(2)	8.4.38
5.	Inqui	ries and Arbitrations	8.5.1
	(i)	Local Inquiries	8.5.1
	(ii)	Planning Inquiries	8.5.18
	(iii)	Property Transfer Disputes	8.5.21
6.	Judici	ial Control	8.6.1
	(i)	Forum	8.6.2
	(ii)	Statutory Appeals	8.6.22
	(iii)	Judicial Review	8.6.31
	(iv)	Remedies	8.6.160
7.	Europ	pean Union Law	8.7.1
	(i)	References	8.7.1
	(ii)	Direct Challenge	8.7.8
	` /	Indirect Challenge	8.7.11
	(iv)	Complaint	8.7.14
8.	Huma	an Rights and Remedies	8.8.1
	(i)	Susceptibility to Challenge: the "Public Authority"	8.8.4
	(ii)	Damages	8.8.17

	(111)	Declaration of Incompatibility	8.8.24
9.	Extern	al Audit	8.9.1
	(i)	Appointment of Auditors	8.9.7
	(ii)	General Duties of Auditor	8.9.11
	(iii)	Conducting the Audit	8.9.19
	(iv)	Public Interest Report	8.9.28
	(v)	Access to Documents and Information	8.9.33
	(vi)	Disclosure of Information	8.9.45
	(vii)	Closing the Audit	8.9.55
	(viii)	Extraordinary Audit	8.9.62
	(ix)	Publicity for and Consideration of Reports	8.9.65
	(x)	Challenging a Report	8.9.71
	(xi)	Inspection	8.9.72
	(xii)	Questioning the Auditor	8.9.76
	(xiii)	Objections to the Accounts	8.9.78
	(xiv)	Judicial Review	8.9.86
	(xv)	Copy of Accounts and Reports	8.9.87
	(xvi)	Auditor's Remedial Powers	8.9.89
	(xvii)	Advisory Notices	8.9.98
	(xviii)	Application for Judicial Review	8.9.110
10.	Ombu	dsmen	8.10.1
	(i)	Commissioners for Local Administration (England)	8.10.3
	(ii)	Public Services Ombudsmen for Wales	8.10.51
			Page
dex			1331