

**EXPLANATORY MEMORANDUM TO THE
RELEVANT AUTHORITIES (STANDARDS COMMITTEE) (AMENDMENT)
REGULATIONS 2006**

2006 No. 87

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Regulations make amendments to the Relevant Authorities (Standards Committee) Regulations 2001 (S.I. 2001/2812) ('the 2001 Regulations') as a consequence of amendments made to Part 5A (access to meetings and documents of certain authorities) of, and Schedule 12A (access to information: exempt information) to, the Local Government Act 1972 ('the 1972 Act') by the Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/XXXX) ('the 2006 Order').

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Background**

- 4.1 Part 5A of, and Schedule 12A to, the Local Government Act 1972 make provision in relation to access to meetings and documents of principal councils, and certain committees and sub-committees of those councils.
- 4.2 A principal council is a county council, district council or London borough council in relation to England and a county council or county borough council in relation to Wales. Principal councils also include, for the purposes of Part 5A, the bodies listed in section 100J (application to new authorities, Common Council, etc).
- 4.3 In Part 5A, section 100A(4) (admission to meetings of principal councils) permits a principal council by resolution to exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information.
- 4.4 Exempt information is defined in section 100I (exempt information and power to vary Schedule 12A) as the descriptions of information which are, for the purposes of Part 5A, for the time being specified in Schedule 12A.

- 4.5 The 2006 Order substitutes for the previous Schedule 12A a new Schedule 12A, Parts 1 to 3 of which apply in relation to principal councils in England and Parts 4 to 6 of which apply in relation to principal councils in Wales.
- 4.6 Part 1 of the new Schedule 12A replaces some of the descriptions of exempt information contained in Part 1 of the previous Schedule 12A with simpler and clearer descriptions of exempt information, whilst some of the qualifications specified in Part 3 of the previous Schedule 12A have been replaced in Part 3 of the new Schedule 12A by a public interest test.
- 4.7 Consequential amendments are also made to sections 100F (additional rights of access to documents for members of principal councils) and 100I.
- 4.8 The legal position under sections 100F and 100I and Schedule 12A, as they applied before those amendments, in relation to principal councils in Wales is preserved by consequential amendments to sections 100F and 100I, and by the replication of Parts 1 to 3 of the previous Schedule 12A in Parts 4 to 6 of the new Schedule 12A which apply in relation to those councils. The Secretary of State does not have the power to make substantive changes to the provisions in Part 5A and Schedule 12A in relation to Wales.
- 4.9 Although section 100A(4) applies in relation to certain committees or sub-committees of principal councils, it does not apply directly to standards committees, or sub-committees of standards committees, of relevant authorities or police authorities in Wales.
- 4.10 Section 53(6)(c) of the Local Government Act 2000 enables the Secretary of State to make provision (with or without modification) with respect to the access of the public to meetings of a standards committee of a relevant authority in England and police authorities in Wales. Such provision can include provision which applies or reproduces any provisions of Part 5A of the Local Government Act 1972.
- 4.11 'Relevant authority' is defined in section 49(6) of the Local Government Act 2000 and includes all principal councils, within the meaning of Part 5A of the Local Government Act 1972, except a joint board or joint committee. It also includes the Greater London Authority and the Council of the Isles of Scilly.
- 4.12 Regulation 7 of the Relevant Authorities (Standards Committee) Regulations 2001 (S.I. 2001/2812) applies, with some exceptions, Part 5A to the meetings of a standards committee, or sub-committee of a standards committee of a relevant authority in England and a police authority in Wales as it applies to meetings of a principal council. It

applies the provisions of Schedule 12A with the addition of further descriptions of information after paragraph 15 of Part 1 of that Schedule in relation to a meeting of a standards committee or sub-committee of a standards committee convened to consider a matter referred under sections 60(2) or (3) (conduct of investigations), 64(2) (reports, etc), 70(4) or (5) (investigations: further provisions) or 71(2) (reports: Wales). Those provisions are concerned with the procedure for investigating a written allegation to the Standards Board for England.

4.13 Regulation 2 of these amending Regulations makes consequential amendments to regulation 7(1) of the 2001 Regulations so that Part 5A as amended by the 2006 Order applies to meetings of a standards committee or sub-committee of a standards committee of a relevant authority or police authority in Wales as it applies to a principal council in England, subject to certain modifications.

4.14 Regulation 2 also makes consequential amendments to regulation 7(4). This is so that the modifications which the latter regulation made to the descriptions of exempt information in the previous Schedule 12A do not conflict with the descriptions contained in the new Schedule 12A. The modifications made by regulation 7(4) continue to apply only where a meeting of a standards committee or a sub-committee of a standards committee is convened to consider a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000. Those provisions are concerned with procedures relating to the outcome of investigations into the conduct of a member or co-opted member of a relevant authority.

5. Extent

This instrument applies to relevant authorities in England, other than parish councils, and to police authorities in Wales.

6. European Convention on Human Rights

The Minister for Local Government, Phil Woolas, has made the following statement regarding Human Rights:

In my view the provisions of the Relevant Authorities (Standards Committee) Regulations 2006 are compatible with the Convention rights.

7. Policy background

7.1 The 2006 Order, which necessitates the consequential amendments made by these Regulations to the 2001 Regulations, has the effect of simplifying the exemptions in Schedule 12A of the Local Government Act 1972.

7.2 The amendments made by the 2006 Order follow the recommendations of the ODPM's Access to Information Review Group whose membership was drawn from stakeholders and interested parties, and the outcome of consultation across the local government sector.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is neutral.

9. Contact

Luke Scofield at the Office of the Deputy Prime Minister (tel: 020 7944 4275 or e-mail: luke.scofield@odpm.gsi.gov.uk) can answer any queries regarding the instrument.