
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 44

**The Local Government (Executive Arrangements)
Regulations (Northern Ireland) 2015**

PART 5

Meetings and Access to Information

CHAPTER 2

Key decisions

Key decisions

21.—(1) In these regulations a “key decision” means a decision under executive arrangements, which is likely—

- (a) to result in the relevant council incurring expenditure which is, or the making of savings which are, significant having regard to the relevant council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more district electoral areas in the local government district of the relevant council.

(2) In determining the meaning of “significant” for the purposes of paragraph (1) the council must have regard to any guidance for the time being issued by the Department in accordance with section 111 of the 2014 Act (guidance).

Publicity in connection with key decisions

22.—(1) Where a decision-making body intends to make a key decision, a document must be published, prior to that decision being made, in accordance with paragraph (2), which states—

- (a) that a key decision is to be made on behalf of the relevant council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

(2) At least 28 clear days before a key decision is made, the document referred to in paragraph (1) must be —

- (a) open to inspection by the public at the offices of the relevant council; and
 - (b) published on the relevant council's website.
- (3) Where, in relation to any matter—
- (a) the public may be excluded under section 42(2) of the 2014 Act (admission to meetings of councils) from the meeting at which the matter is to be discussed; or
 - (b) documents relating to the decision need not, because of regulation 32(2), be disclosed to the public, the document referred to in paragraph (1) must contain particulars of the matter but may not contain any confidential information or exempt information.

Modifications etc. (not altering text)

- C1** Reg. 22(2) modified (1.5.2020) by [The Local Government \(Coronavirus\) \(Flexibility of District Council Meetings\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/74\)](#), regs. 1(1), **14(1)(2)(d)**

General exception

23.—(1) Subject to regulation 24, where the publication of the intention to make a key decision under regulation 22 is impracticable, that decision may only be made—

- (a) where the proper officer has informed the chairperson of the relevant overview and scrutiny committee or, if there is no such person available, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
- (b) where the proper officer has made open to inspection by the public at the offices of the relevant council, and published on the relevant council's website, a copy of the notice given pursuant to sub-paragraph (a); and
- (c) after five days have elapsed following the day on which the proper officer made open to inspection by the public the notice referred to in sub-paragraph (b).

(2) Where paragraph (1) applies to any matter, regulation 22 need not be complied with in relation to that matter.

(3) As soon as practicable after the proper officer has complied with paragraph (1), the proper officer must—

- (a) make open to inspection by the public at the offices of the relevant council a notice setting out the reasons why compliance with regulation 22 is impracticable; and
- (b) publish that notice on the relevant council's website.

Modifications etc. (not altering text)

- C2** Reg. 23(1)(b) modified (1.5.2020) by [The Local Government \(Coronavirus\) \(Flexibility of District Council Meetings\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/74\)](#), regs. 1(1), **14(1)(2)(e)**
- C3** Reg. 23(3) modified (1.5.2020) by [The Local Government \(Coronavirus\) \(Flexibility of District Council Meetings\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/74\)](#), regs. 1(1), **14(1)(2)(f)**

Cases of special urgency

24.—(1) Where the date by which a key decision must be made makes compliance with regulation 23 impracticable, the decision may only be made where the decision maker has obtained agreement from—

- (a) the chairperson of the relevant overview and scrutiny committee; or
- (b) if there is no such person, or if the chairperson of the relevant overview and scrutiny committee is unable to act, the chairperson of the relevant council; or
- (c) where there is no chairperson of either the relevant overview and scrutiny committee or of the relevant council available, the vice-chairperson of the relevant council,

that the making of the decision is urgent and cannot reasonably be deferred.

(2) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—

- (a) make open to inspection by the public at the offices of the relevant council a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the relevant council's website.

Modifications etc. (not altering text)

- C4** Reg. 24(2) modified (1.5.2020) by [The Local Government \(Coronavirus\) \(Flexibility of District Council Meetings\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/74\)](#), regs. 1(1), **14(1)(2)(g)**

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015, CHAPTER 2.