
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 4

Additional rights of members of the council and of members of overview and scrutiny committees

Additional rights of access to documents for members of councils

28.—(1) Subject to paragraphs (5) and (6), any documents which—

- (a) are in the possession or under the control of the executive of a council; and
- (b) contain material relating to any business to be transacted at a public meeting,

must be available for inspection by any member of the relevant council.

(2) Any documents which are required by paragraph (1) to be available for inspection by any member of the relevant council must be available for such inspection for at least five days before the meeting except that—

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph (1) in relation to that item, must be available for inspection when the item is added to the agenda.

(3) Subject to paragraphs (5) and (6), any document which—

- (a) is in the possession and control of the executive of the council; and
- (b) contains material relating to—

- (i) any business transacted at a private meeting; or
- (ii) any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any member of the relevant council when the meeting concludes or, where an executive decision is made by an officer, immediately after the decision has been made.

(4) Any document which is required by paragraph (3) to be available for inspection by any member of the relevant council must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

(5) Paragraphs (1) and (3) do not require a document to be available for inspection if it appears to the proper officer that it discloses exempt information of a description falling within Part 1 (descriptions of exempt information) of Schedule 6 (access to information: exempt information) to the 2014 Act.

(6) Notwithstanding paragraph (5), paragraphs (1) and (3) require the documents to be available for inspection if the information is information of a description for the time being falling within—

- (a) paragraph 3 of Schedule 6 to the 2014 Act (access to information: exempt information) (except to the extent that the information relates to any terms proposed or to be proposed by or to the council in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 6 to the 2014 Act.

(7) The rights conferred by paragraphs (1) and (3) are in addition to any other rights that a member of a council may have.

Additional rights of access to documents for members of overview and scrutiny committees

29.—(1) Subject to paragraph (3), a member of an overview and scrutiny committee of a relevant council is entitled to a copy of any document which—

- (a) is in the possession or under the control of the executive of that council; and
- (b) contains material relating to—
 - (i) any business that has been transacted at a meeting of a decision-making body of that council; or
 - (ii) any decision that has been made by an officer of the council in accordance with executive arrangements.

(2) Subject to paragraph (3), where a member of a relevant overview and scrutiny committee requests a document which falls within paragraph (1), the executive must provide that document as soon as reasonably practicable and, in any case, no later than 10 days after the executive receives the request.

(3) No member of a relevant overview and scrutiny committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information unless that information is relevant to —

- (a) an action or decision that that member is reviewing or scrutinising; or
- (b) any review contained in any programme of work of the relevant overview and scrutiny committee or sub-committee of that committee.

(4) Where the executive determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph (1) or (3), it must provide the relevant overview and scrutiny committee with a written statement setting out its reasons for that decision.

Reports to the council where the key decision procedure is not followed

30.—(1) Where an executive decision has been made and—

- (a) was not treated as being a key decision; and
- (b) a relevant overview and scrutiny committee is of the opinion that the decision should have been treated as a key decision,

that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant council within such reasonable period as the committee may specify.

(2) A report under paragraph (1) must include details of—

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the executive of the relevant council is of the opinion that the decision was not a key decision, the reasons for that decision.

Executive reports to the council

31.—(1) The cabinet-style executive or each streamlined committee must submit to the relevant council at such intervals as may be determined by the relevant council a report containing details of each executive decision taken during the period since the last report was submitted to the council where the making of the decision was agreed as urgent in accordance with regulation 24.

(2) A report submitted for the purposes of paragraph (1) must include—

(a) particulars of each decision made; and

(b) a summary of the matters in respect of which each decision was made.

(3) The cabinet-style executive or each streamlined committee must submit at least one report under paragraph (1) annually to the relevant council.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015, CHAPTER 4.