
STATUTORY INSTRUMENTS

2000 No. 3272

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

PART III

ADDITIONAL REQUIREMENTS IN RESPECT OF KEY DECISIONS AND PUBLIC MEETINGS

Meetings of local authority executives and their committees to be held in public

7.—(1) Subject to regulation 21, a meeting or part of a meeting must be held in public where the council leader, section 11(2) mayor or council manager, as the case may be, or any other person likely to preside at the meeting, reasonably believes that:

- (a) a decision to be made at that meeting or part of the meeting will be a key decision; or
- (b)
 - (i) a matter which is likely to be discussed at that meeting or that part of the meeting relates to a decision included in the current forward plan, as referred to in regulation 13, where that decision is likely to be made at a meeting of the decision making body concerned within 28 days of the meeting; and
 - (ii) an officer, other than a political adviser or assistant or council manager, will be present at that meeting or part of the meeting where the matter is discussed; or
- (c)
 - (i) a matter relating to a key decision to be made by the decision making body concerned is to be discussed with an officer, other than a political adviser or assistant, present; or
 - (ii) a decision is made,

at that meeting or part of the meeting in relation to which a notice under regulation 15 has been given.

(2) For the purposes of sub-paragraphs (b) and (c) of paragraph (1) “meeting” does not include a meeting the principal purpose of which is for an officer of the local authority to brief a decision maker or members of a decision making body on matters connected with the making of an executive decision.

(3) In accordance with section 38 of the 2000 Act, in determining the meaning of “principal purpose” for the purposes of paragraph (2), regard shall be had to any guidance for the time being issued by the Secretary of State.

Key decisions

8.—(1) In these regulations a “key decision” means an executive decision which, is likely—

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’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 wards or electoral divisions in the area of the local authority.

(2) In accordance with section 38 of the 2000 Act, in determining the meaning of “significant” for the purposes of paragraph (1) regard shall be had to any guidance for the time being issued by the Secretary of State.

Individual executive decisions

9.—(1) Where an executive member or officer receives a report, which he intends to take into consideration when he makes a key decision, he shall not make the that decision until the report has been available for public inspection, pursuant to paragraph (2), for at least three clear days.

(2) Subject to regulation 21, the member or officer making the decision referred to in paragraph (1) shall ensure that the proper officer makes the report referred to in that paragraph available for inspection by the public as soon as is reasonably practicable after that officer or member receives it.

(3) Where a report has been submitted to an executive member or officer with a view to it being considered by him when he makes a key decision, the person who submitted the report shall, as soon as is reasonably practicable, supply a copy of it to the chairman of every relevant overview and scrutiny committee or where there is no chairman to every member of the relevant overview and scrutiny committee.

(4) The proper officer shall, in any report required by paragraph (2) to be available for inspection by the public include a list of background papers for the report or part of the report, and shall ensure that sufficient copies of the background papers are available, or that facilities exist for the production of sufficient copies of those papers, to meet every reasonable request from members of the public for them.

Procedures prior to public meetings

10. An item of business shall only be considered at a public meeting—

- (a) where a copy of the agenda or part of the agenda, including the item, has been available for inspection by the public as required by regulation 11 for at least three clear days before the meeting; or
- (b) where the meeting is convened at shorter notice in accordance with regulation 15 or 16, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

Access to agenda and connected reports

11.—(1) Subject to paragraph (2), a copy of the agenda and every report for a public meeting shall be available for inspection by the public at the offices of the local authority when they are made available to the members of the executive or decision making body responsible for making the decision to which they relate.

(2) If the proper officer thinks fit, there may be excluded from the copy of any report provided pursuant to paragraph (1) the whole, or any part, of the report which relates only to the transaction of an item of business during which, in his opinion, the meeting is likely not to be open to the public.

(3) Subject to paragraph (4), any document which is required by paragraph (1) to be available for inspection by the public shall be available for such inspection for at least three clear days before the meeting, except that—

- (a) where the meeting is convened at shorter notice in accordance with regulation 15 or 16, a copy of the agenda and associated reports shall be available for inspection at the time the meeting is convened; and

- (b) where an item which would be available for inspection by the public is added to the agenda, a copy of the revised agenda, and of any report relating to the item for consideration at the meeting, shall be available for inspection by the public when the item is added to the agenda.
- (4) Nothing in paragraph (3) shall require a copy of the agenda, item or report to be available for inspection by the public until a copy is available to members of the decision making body concerned.
- (5) Where by virtue of paragraph (2) the whole or any part of a report for a public meeting is not available for inspection by the public—
 - (a) every copy of the whole report or of the part of the report, as the case may be, shall be marked “not for publication”; and
 - (b) there shall be stated on every copy of the whole or the part of the report—
 - (i) that it contains confidential information;
 - (ii) by reference to the descriptions in Schedule 12A to the 1972 Act, the description of exempt information by virtue of which the decision making body discharging the executive function are likely to exclude the public during the item to which the report relates; or
 - (iii) that the report or the part of the report contains the advice of a political adviser or assistant as the case may be.
- (6) Except during any part of a public meeting during which the public are excluded, the local authority shall make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (7) Subject to regulation 21, a local authority shall, following any request on behalf of a newspaper and on payment being made of postage charges or any other necessary charge for transmission, supply to the newspaper—
 - (a) a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting;
 - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items contained in the agenda; and
 - (c) if the proper officer thinks fit in the case of any item, a copy of any other document supplied to members of the executive in connection with the item.
- (8) Paragraph (3) applies in relation to copies of reports provided pursuant to paragraph (6) or (7) as it applies in relation to copies of reports provided pursuant to paragraph (1).

Publicity in connection with key decisions

12.—(1) The executive leader or, as the case may be, the section 11(2) mayor or the council manager shall instruct the proper officer to publish, in accordance with paragraph (2), a document which states—

- (a) that key decisions are to be made on behalf of the local authority;
- (b) that a plan (to be known as the “forward plan”) containing particulars of the matters in respect of which those decisions are to be made, will be prepared on a monthly basis by the local authority;
- (c) that a forward plan will contain details of the key decisions likely to be made by the local authority for the four month period following the publication of the forward plan;
- (d) that each current forward plan may be inspected at all reasonable hours and free of charge at the local authority’s offices;

- (e) that each forward plan contains a list of the documents submitted to the decision makers for consideration in relation to the matters in respect of which decisions are to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
 - (g) that other documents relevant to those matters may be submitted to the decision makers;
 - (h) the procedure for requesting details of those documents (if any) as they become available; and
 - (i) the dates in each month in the following twelve months on which each forward plan will be published and available to the public at the local authority's offices.
- (2) The document referred to in paragraph (1) shall be published—
- (a) in at least one newspaper circulating in the area of the local authority; and
 - (b) annually, on a date at least 14 days, but not more than 21 days before the first forward plan of that year comes into effect.

Forward plans

13.—(1) A forward plan shall be prepared, in accordance with this regulation and regulation 14, by the executive leader or, as the case may be, by the section 11(2) mayor or the council manager.

(2) A forward plan shall contain details of all the matters likely to be the subject of key decisions in the relevant authority for a period of four months; and the first such plan shall have effect from the first working day of any month.

(3) A forward plan shall be updated on a monthly basis, and a new forward plan produced at least 14 days prior to the first day upon which the forward plan will come into effect, with any outstanding matters contained in the previous forward plan being included in the latest forward plan.

(4) The most recent forward plan shall be taken to have superseded any earlier plan or, as the case may be, each earlier plan.

Content of the forward plan

14.—(1) Each forward plan shall contain, as regards each matter referred to in regulation 13(1) such of the particulars specified in paragraph (2) as are available when the plan is prepared or which the person preparing it may then reasonably be expected to obtain.

- (2) The particulars referred to in paragraph (1) are—
- (a) the matter in respect of which the decision is to be made;
 - (b) where the decision maker is an individual his name, his title if any and, where the decision maker is a decision making body, its name and a list of its members;
 - (c) the date on which, or the period within which, the decision is to be made;
 - (d) the identity of the principal groups or organisations whom the decision maker proposes to consult before making the decision;
 - (e) the means by which any such consultation is proposed to be undertaken;
 - (f) the steps that may be taken by any person who wishes to make representations to the local authority executive or to the decision maker about the matter in respect of which the decision is to be made, and the date by which those steps are to be taken; and
 - (g) a list of the documents, submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made.
- (3) Where, in relation to any matter—

- (a) the public may be excluded under regulation 21(1) from the meeting at which that matter is to be discussed; or
- (b) documents relating to the decision need not, because of regulation 21(5), be disclosed to the public,

the forward plan shall contain particulars of the matter but may not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant.

General exception

15.—(1) Where the inclusion of a matter on the forward plan is impracticable and the matter would be a key decision, that decision shall only be made—

- (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, 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 available at the offices of the local authority for inspection by the public a copy of the notice given pursuant to paragraph (a); and
- (c) after three clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).

(2) Where paragraph (1) applies to any matter, regulation 14 need not be complied with in relation to that matter.

Cases of special urgency

16. Where the date by which an executive decision that would be a key decision must be made, makes compliance with regulation 15 impracticable, the decision shall only be made where the decision maker has obtained agreement from—

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

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