
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to county councils in England, district councils and London borough councils which are operating executive arrangements under Part 1A of the Local Government Act 2000. The Regulations make provision for public access to meetings and to information relating to decisions of local authority executives, and their committees. In addition, they provide for access to information relating to decisions made by joint committees of local authorities where these are solely comprised of executive members and are discharging executive functions. The Regulations also make provision for public access to documents where executive decisions are made by individual members or officers.

The general principle of the Regulations is for the public to have access to meetings and documents where a local authority executive, committee or individual is taking an executive decision, as defined by regulation 2.

Part 1 sets out preliminary matters and defines terms used in the Regulations.

The purpose of Part 2 is to establish the presumption that meetings of local authority executives and their committees are to be held in public. Regulation 4 sets out the circumstances during which the public must be excluded from meetings. Regulation 5 sets out the formalities to be complied with before a private meeting is held. Regulation 6 sets out formalities to be complied with before a public meeting takes place. Rules relating to access to the agenda and reports for executive meetings are contained in regulation 7.

Part 3 provides for specific requirements relating to executive decisions which are key decisions. Regulation 8 sets out the meaning of key decision and regulation 9 sets out the publicity requirements in relation to key decisions. Regulations 10 and 11 allow exceptions to these requirements.

Part 4 deals with the recording of all executive decisions. In particular, regulations 12 and 13 require decisions to be recorded in a written statement. Regulations 14 and 15 set out the documents which must be made available for inspection by the public.

Members of the local authority and of overview and scrutiny committees are given additional rights to access documents in Part 5. Regulation 17 sets out additional rights of members of overview and scrutiny committees in relation to decisions that committee is scrutinising and in certain circumstances the committee can access exempt or confidential information.

An overview and scrutiny committee can require the executive to make a report to the local authority on matters which have not been dealt with as a key decision and which an overview and scrutiny committee consider should have been treated as such under regulation 18. Regulation 19 is a reporting requirement that the executive provides reports to the local authority on all matters which have been treated as urgent under regulation 11.

Part 6 makes general provision relating to information. In particular, regulation 20 sets out general principles applicable to the whole instrument relating to the non-disclosure of confidential, exempt information or the advice of a political adviser or assistant. Regulation 21 establishes the manner in which documents required to be available for inspection by the Regulations are to be held at the offices of the local authority. Regulation 22 sets out offences where documents have not been made available for inspection as required under these Regulations.

No impact assessment has been produced in relation to these Regulations because no impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.