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## STATUTORY INSTRUMENTS

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### 2012 No. 2089

## The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

### PART 2

Admission of public to meetings of local authority executives and their committees

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

3. Subject to regulation 4, a meeting of a decision-making body must be held in public.

#### **Admission of the public to meetings of local authority executives and their committees**

4.—(1) A meeting of a decision-making body must be open to the public except to the extent that the public are excluded under paragraph (2).

(2) The public must be excluded from a meeting during an item of business whenever—

- (a) 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, confidential information would be disclosed to them in breach of the obligation of confidence;
- (b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
- (c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

(3) A resolution under paragraph (2)(b) must—

- (a) identify the proceedings, or the part of the proceedings to which it applies, and
- (b) state, by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

(4) The public may only be excluded under sub-paragraph (a) or (b) of paragraph (2) for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

(5) Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the decision-making body is not to have the power to exclude members of the public from a meeting while it is open to the public.

(6) While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

### **Procedures prior to private meetings**

5.—(1) A decision made by a decision-making body to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the 2000 Act (regulations requiring prescribed information about prescribed decisions).

(2) At least 28 clear days before a private meeting, the decision-making body must—

- (a) make available at the offices of the relevant local authority a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the relevant local authority's website, if it has one.

(3) A notice under paragraph (2) must include a statement of the reasons for the meeting to be held in private.

(4) At least five clear days before a private meeting, the decision-making body must—

- (a) make available at the offices of the relevant local authority a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the relevant local authority's website, if it has one.

(5) A notice under paragraph (4) must include—

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

(6) Where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the decision-making body 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,

that the meeting is urgent and cannot reasonably be deferred.

(7) As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph (6) to hold a private meeting, it must—

- (a) make available at the offices of the relevant local authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the relevant local authority's website, if it has one.

### **Procedures prior to public meetings**

6.—(1) The decision-making body must give notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one—

- (a) at least five clear days before the meeting; or
- (b) where the meeting is convened at shorter notice, at the time that the meeting is convened.

(2) An item of business may 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 7 for at least five clear days before the meeting; or

- (b) where the meeting is convened at shorter notice, 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 for public meetings**

7.—(1) Subject to paragraph (2), a copy of the agenda and every report for a meeting must be made available for inspection by the public—

- (a) at the offices of the relevant local authority; and
- (b) on the relevant local authority's website, if it has one.

(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 matters during which, in the proper officer's opinion, the meeting is likely to be a private meeting.

(3) Any document which is required by paragraph (1) to be available for inspection by the public must be available for such inspection for at least five clear days before the meeting except that—

- (a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and
- (b) where an item which would be available for inspection by the public is added to the agenda, copies of the revised agenda and any report relating to the item for consideration at the meeting, must be available for inspection by the public when the item is added to the agenda.

(4) Nothing in paragraph (3) requires 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, must be marked “not for publication”; and
- (b) there must be stated on every copy of the whole or the part of the report—
  - (i) that it contains confidential information; or
  - (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.

(6) Except during any part of a meeting during which the public are excluded, the relevant local authority must 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 20, following a request made by a member of the public or on behalf of a newspaper and on payment being made of postage, copying or other necessary charge for transmission, a relevant local authority must supply to that person or 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, 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 (2) applies in relation to copies of reports provided pursuant to paragraph (6) or (7) as it applies in relation to copies of reports made available for inspection pursuant to paragraph (1).

**Status:**

Point in time view as at 10/09/2012.

**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, PART 2.