STATUTORY INSTRUMENTS

2012 No. 2089

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

PART 3

Key decisions

Key decisions

8.—(1) In these Regulations a "key decision" means an executive decision, which is likely—

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant 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 relevant local authority.

(2) In determining the meaning of "significant" for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance).

Publicity in connection with key decisions

9.—(1) Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with paragraph (2), which states—

(a) that a key decision is to be made on behalf of the relevant local authority;

(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 document 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 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.

(3) Where, in relation to any matter—

(a) the public may be excluded under regulation 4(2) from the meeting at which the matter is to be discussed; or

(b) documents relating to the decision need not, because of regulation 20(3), be disclosed to the public,

the document referred to in paragraph (1) must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

Modifications etc. (not altering text)

C1 Reg. 9(2) modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), regs. 1, **16(4)**(5)(f) (with reg. 2(4))

General exception

10.—(1) Subject to regulation 11, where the publication of the intention to make a key decision under regulation 9 is impracticable, that decision may 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 relevant local authority for inspection by the public and published on the relevant local authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (a); and

(c) after five 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 9 need not be complied with in relation to that matter.

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

(a) make available at the offices of the relevant local authority a notice setting out the reasons why compliance with regulation 9 is impracticable; and

(b) publish that notice on the relevant local authority's website, if it has one.

Modifications etc. (not altering text)

C2 Reg. 10(1)(b) modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), regs. 1, **16(4)**(5)(g) (with reg. 2(4))

C3 Reg. 10(3) modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), regs. 1, **16(4)**(5)(h) (with reg. 2(4))

Cases of special urgency

11.—(1) Where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may 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,

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 available at the offices of the relevant local authority a notice setting out the reasons that 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.

Modifications etc. (not altering text)

C4 Reg. 11(2) modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), regs. 1, **16(4)**(5)(i) (with reg. 2(4))

Status:
Point in time view as at 04/04/2020.

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 3.