
STATUTORY INSTRUMENTS

2012 No. 2089

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

PART 5

Additional rights of members of the local authority and of members of overview and scrutiny committees

Additional rights of access to documents for members of local authorities

16.—(1) Subject to paragraphs (5) to (6), any document which—

- (a) is in the possession or under the control of the executive of a local authority; and
- (b) contains material relating to any business to be transacted at a public meeting,

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

(2) Any document which is required by paragraph (1) to be available for inspection by any member of the relevant local authority 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, 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) to (6), any document which—

- (a) is in the possession or under the control of the executive of the local authority; and
- (b) contains material relating to—
 - (i) any business transacted at a private meeting;
 - (ii) any decision made by an individual member in accordance with executive arrangements; or
 - (iii) any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any member of the relevant local authority when the meeting concludes or where an executive decision is made by an individual member or 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 local authority 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 of Schedule 12A to the 1972 Act (descriptions of exempt information: England).

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

- (a) paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 12A to the 1972 Act.

(7) Where it appears to the proper officer that compliance with paragraph (1) or (3) in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.

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

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, Section 16.