
STATUTORY INSTRUMENTS

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

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.

Modifications etc. (not altering text)

- C1** Reg. 5(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)(a)** (with reg. 2(4))
- C2** Reg. 5(4) 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)(b)** (with reg. 2(4))
- C3** Reg. 5(7) 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)(c)** (with reg. 2(4))

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 5.