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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 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and come into force on 10th September 2012.

**Interpretation**

2. In these Regulations—

“the 1972 Act” means the Local Government Act 1972<sup>(1)</sup>;

“the 2000 Act” means the Local Government Act 2000;

“background papers” in relation to a report or part of a report, means those documents other than published works, that—

- (a) relate to the subject matter of the report or, as the case may be, the part of the report; and
- (b) in the opinion of the proper officer—
  - (i) disclose any facts or matters on which the report or an important part of the report is based; and
  - (ii) were relied on to a material extent in preparing the report;

“confidential information” means—

- (a) information provided to the local authority by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court,

and in either case, a reference to the obligation of confidence is to be construed accordingly;

“copy” in relation to any document includes a copy made from a copy;

“decision maker” means the decision-making body by which, or the individual by whom, an executive decision is made;

“the decision-making body” means—

- (a) the executive of a local authority;
- (b) a committee of a local authority executive;

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<sup>(1)</sup> 1972 c.70.

- (c) a joint committee, where all the members of the joint committee are members of a local authority executive, which is authorised to discharge the function to which the executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012<sup>(2)</sup>;
- (d) a sub-committee of a joint committee where all the members of the joint committee are members of a local authority executive, which is authorised to discharge the function to which the executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012; or
- (e) an area committee of a local authority executive, within the meaning of section 9E of the 2000 Act;

“document” means any report or background papers, other than that only in a draft form, taken into consideration in relation to an executive decision;

“executive decision” means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority;

“exempt information” has the meaning given by section 100I of the 1972 Act (exempt information and power to vary Schedule 12A);

“head of paid service” means a person designated as a head of paid service under section 4 of the Local Government and Housing Act 1989 (designation and reports of head of paid service)<sup>(3)</sup>;

“information” includes an expression of opinion, any recommendations and any decision made;

“joint committee” means a committee appointed under section 102(1) of the 1972 Act (appointment of committees) in accordance with regulations made under section 9EB of the 2000 Act (joint exercise of functions)<sup>(4)</sup>;

“key decision” has the meaning given in regulation 8;

“local authority” means a county council in England, a district council or a London borough council which is operating executive arrangements in accordance with Part 1A of the 2000 Act;

“newspaper” includes—

- (a) a news agency which systematically carries on the business of selling and supplying reports or information to the newspapers; and
- (b) any organisation which is systematically engaged in collecting news—
  - (i) for sound or television broadcasts;
  - (ii) for inclusion in programmes to be included in any programme service within the meaning of the Broadcasting Act 1990<sup>(5)</sup> other than a sound or television broadcasting service within the meaning of Part 3 or Part 1 of that Act respectively; or
  - (iii) for use in electronic or any other format to provide news to the public by means of the internet;

“political adviser or assistant” means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989<sup>(6)</sup> (assistants for political groups) or regulations made under paragraph 5 of Schedule A1 to the 2000 Act (regulations for mayor’s assistant);

(2) [S.I. 2012/1019](#).

(3) [1989 c.42](#); There are amendments to section 4 which are not relevant to these Regulations.

(4) Section 9EB was inserted into the 2000 Act by section 21 of, and Schedule 2 to, the Localism Act [2011 \(c.20\)](#).

(5) [1990 c.42](#).

(6) [1989 c.42](#).

“private meeting” means a meeting, or part of a meeting, of the decision-making body during which the public are excluded in accordance with regulation 4(2);

“proper officer” has the same meaning as in section 270(3) of the 1972 Act (general provisions as to interpretation);

“public meeting” means a meeting of the decision-making body which is open to the public in accordance with regulation 4(1);

“relevant local authority” means the local authority whose executive is responsible for the discharge of the function to which the executive decision relates;

“relevant overview and scrutiny committee” means an overview and scrutiny committee of the relevant local authority which has terms of reference including the power to review or scrutinise decisions made, or other actions taken, in connection with the discharge of the function to which the decision relates;

“report” in relation to an executive decision does not include a report in draft form.