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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 4

#### Recording of executive decisions and inspection of related papers or documents

##### Recording of executive decisions made at meetings

**12.**—(1) As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced for every executive decision made which includes the information specified in paragraph (2).

(2) The statement referred to in paragraph (1) must include—

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

(3) For the purposes of paragraph (1) “person presiding” means the person actually presiding or the person nominated to preside at that meeting.

(4) Executive decisions made by decision-making bodies are prescribed decisions for the purposes of section 9G(3) of the 2000 Act (duty to keep written records of private meetings).

##### Recording of executive decisions made by individuals

**13.**—(1) As soon as reasonably practicable after an individual member has made an executive decision, that member must produce or instruct the proper officer to produce a written statement of that executive decision which includes the information specified in paragraph (2).

(2) The statement referred to in paragraph (1) must include—

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the member when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

(3) Executive decisions made by individual members of local authority executives are prescribed decisions for the purposes of section 9G(4) of the 2000 Act (duty to keep a written record of decisions made by individual members of local authority executives).

(4) As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must include—

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

#### **Inspection of documents following executive decisions**

**14.**—(1) Subject to regulation 20, after a meeting of a decision-making body at which an executive decision has been made, or after an individual member or an officer has made an executive decision the proper officer must ensure that a copy of—

- (a) any records prepared in accordance with regulations 12 or 13; and
- (b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with regulations 12 or 13 or, where only part of the report is relevant to such a decision, that part,

must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the relevant local authority, and on that authority's website, if it has one.

(2) Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under paragraph (1), those documents must be supplied for the benefit of the newspaper by the relevant local authority on payment by the newspaper to the local authority of postage, copying or other necessary charge for transmission.

#### **Modifications etc. (not altering text)**

- C1** Reg. 14(1) 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)(j)** (with reg. 2(4))
- C2** Reg. 14(2) disapplied (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(6)(a)** (with reg. 2(4))

#### **Inspection of background papers**

**15.** Subject to regulation 20, when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public in accordance with regulation 7 or 14, at the same time—

- (a) a copy of a list compiled by the proper officer of the background paper to the report or part of the report, must be included in the report or, as the case may be, part of the report; and

(b) at least one copy of each of the documents included in that list, must be available for inspection by the public at the offices of the relevant local authority and on that authority's website, if it has one.

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**Modifications etc. (not altering text)**

- C3** Reg. 15 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)(k)** (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, PART 4.