

STATUTORY INSTRUMENTS

2012 No. 2089

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

PART 6

General provisions relating to information

Confidential information, exempt information and advice of a political adviser or assistant

20.—(1) Nothing in these Regulations is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(2) Nothing in these Regulations—

- (a) authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information; or
- (b) requires a local authority to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

(3) Where a member of a local authority executive or an officer makes an executive decision in accordance with executive arrangements, nothing in these Regulations—

- (a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
- (b) requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the member or officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.

^{F1}(4)

Textual Amendments

F1 Reg. 20(4) omitted (6.8.2014) by virtue of [The Openness of Local Government Bodies Regulations 2014 \(S.I. 2014/2095\)](#), regs. 1, **5(4)**

Inspection and supply of documents

21.—(1) Any document required by any provision of these Regulations to be open to inspection by members of the public must be available for inspection—

- (a) at all reasonable hours at the offices of the relevant local authority;

- (b) on the relevant local authority's website, if it has one; and
 - (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the relevant local authority by the person seeking to inspect the documents at the offices of the relevant local authority.
- (2) Subject to paragraph (4), where a document is to be available for inspection by a person under any provision in these Regulations, the person may—
- (a) make a copy of the whole or part of the document; or
 - (b) require the person having custody of the document to supply the person requiring inspection a copy of the whole or part of the document,
- on payment by the person requiring the copy to the relevant local authority of postage, copying or other necessary charge for transmission.
- (3) Subject to paragraph (4), any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to, any document supplied to that person or made available for inspection by members of the public under these Regulations.
- (4) Paragraphs (2) and (3) do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the relevant local authority, nothing done pursuant to that paragraph constitutes an infringement of the copyright.
- (5) Where any document required by these Regulations to be open to inspection by the public—
- (a) is supplied to or available for inspection by members of the public; or
 - (b) is supplied for the benefit of any newspaper in pursuance of regulation 7(7) or 14(2),
- the publication thereby of any defamatory matter contained in the document is privileged unless the publication is proved to be with malice.
- (6) Any written record of an executive decision or any report required by regulation 14 to be available for inspection by members of the public, must be retained by the relevant local authority and made available for inspection by the public for a period of at least six years beginning on the date on which the decision, to which the report or record relates, was made.
- (7) Any background papers required by regulation 15 to be available for inspection by members of the public must be retained by the relevant local authority and be available for inspection by the public for a period of at least four years beginning on the date on which the decision, to which the background papers relate, was made.
- (8) The rights conferred on any person by these Regulations to inspect, copy or be supplied with documents are in addition to any such rights that person may have apart from those under these Regulations.

Modifications etc. (not altering text)

- C1** Reg. 21(1)(c) 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)(b)** (with reg. 2(4))
- C2** Reg. 21(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)(c)** (with reg. 2(4))

Offences

22.—(1) A person who has custody of a document which is required by regulation 7, 14 or 15 to be available for inspection by members of the public commits an offence if, without reasonable excuse, that person—

- (a) intentionally obstructs any person exercising a right conferred under these Regulations to inspect, or to make a copy of the whole or part of the document; or
- (b) refuses to supply a copy of the whole or part of the document in accordance with regulation 7(7), 14(2) or 21(2).

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Revocations

23. The following Regulations are revoked—

- (a) the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 ^{M1};
- (b) the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002 ^{M2}; and
- (c) the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 ^{M3}.

Marginal Citations

- M1** S.I. 2000/3272.
- M2** S.I. 2002/716.
- M3** S.I. 2006/69.

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 6.