
STATUTORY INSTRUMENTS

2000 No. 3272

**The Local Authorities (Executive Arrangements)
(Access to Information) (England) Regulations 2000**

PART IV

**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

- 17.—**(1) Subject to paragraphs (3) and (4), 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,
- shall be available for inspection by any member of the local authority.
- (2) Subject to paragraphs (3) and (4) 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—
 - (i) any business transacted at a private meeting;
 - (ii) any decision made by an individual member in accordance with executive arrangements; or
 - (iii) any key decision made by an officer in accordance with executive arrangements,
- shall be available for inspection by any member of the local authority when the meeting concludes or, where an executive decision is made by an individual member or a key decision made by an officer, immediately after the decision has been made.
- (3) Where it appears to the proper officer that compliance with paragraph (1) or (2) in relation to a document or part of a document would involve the disclosure of exempt information of a description falling within any of paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to the 1972 Act, paragraph (1) or (2), as the case may be, shall not apply as regards that document or part.
- (4) Where it appears to the proper officer that compliance with paragraph (1) or (2) 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 shall not apply as regards that document or part.
- (5) The rights conferred by paragraphs (1) and (2) are in addition to any other rights that a member of a local authority may have.

Additional rights of access to documents for members of overview and scrutiny committees

- 18.—**(1) Subject to paragraph (2), a member of an overview and scrutiny committee of a local authority shall be entitled to a copy of any document which—
- (a) is in the possession or under the control of the executive of that authority; and

- (b) contains material relating to—
 - (i) any business that has been transacted at a private meeting or a public meeting of a decision making body of that authority;
 - (ii) any decision that has been made by an individual member of that executive in accordance with executive arrangements; or
 - (iii) any key decision that has been made by an officer of the authority in accordance with executive arrangements.
- (2) No member of an overview and scrutiny committee shall be entitled to a copy—
 - (a) of such document or part of a document as contains exempt or confidential information unless that information is relevant to;
 - (i) an action or decision that he is reviewing or scrutinising; or which is relevant to any review contained in any programme of work of such a committee or sub-committee of the committee; or
 - (ii) of a document or part of a document containing advice provided by a political adviser or assistant.

Reports to the local authority where the key decision procedure is not followed

- 19.**—(1) Where an executive decision has been made and—
- (a) was not treated as being a key decision; and
 - (b) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant local authority within such reasonable period as the committee may specify.

- (2) A report under paragraph (1) shall include details of—
- (a) the decision and the reasons for the decision;
 - (b) the decision making body by which, or the individual by whom, the decision was made; and
 - (c) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

Quarterly reports to the local authority

20.—(1) The executive leader or, as the case may be, the section 11(2) mayor or the council manager shall submit to the local authority at quarterly intervals a report containing details of each executive decision taken during the preceding three months where the making of the decision was agreed as urgent in accordance with regulation 16.

- (2) A report submitted for the purposes of paragraph (1) shall include—
- (a) particulars of each decision made; and
 - (b) a summary of the matters in respect of which each decision was made.