

This Statutory Instrument has been made in consequence of defects in SI 2000/3272 and is being issued free of charge to all known recipients of that Statutory Instrument.

S T A T U T O R Y I N S T R U M E N T S

2002 No. 716

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002

<i>Made - - - -</i>	<i>14th March 2002</i>
<i>Laid before Parliament</i>	<i>21st March 2002</i>
<i>Coming into force</i>	
<i>Regulations 1 to 13</i>	<i>15th April 2002</i>
<i>Regulation 14</i>	<i>1st October 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 22 and 105 of the Local Government Act 2000^(a) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002.

(2) Regulations 1 to 13 shall come into force on 15th April 2002 and regulation 14 shall come into force on 1st October 2002.

(3) These Regulations apply in relation to local authorities in England.

Amendment to Regulations

2. The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000^(b) are amended in accordance with regulations 3 to 14 of these Regulations.

Citation, commencement and application

3. In regulation 1(1), for “[2000]” substitute “2000”.

Interpretation

4. In regulation 2, for the definition of “public meeting”, substitute—

““public meeting” in relation to a decision making body, means—

(a) a meeting which, in accordance with regulation 7, is required to be held in public;
or

(b) any other meeting of a decision making body that the decision making body determines shall be held in public;”.

^(a) 2000 c.22. For the application of sections 22 and 105 to Wales, *see* section 106 of the Local Government Act 2000.

^(b) SI 2000/3272.

Meetings of local authority executives and their committees to be held in public

5. In regulation 7, for paragraphs (1) and (2), substitute—

“(1) Subject to regulation 21, where the executive leader, section 11(2) mayor or council manager (as the case may be) or any other person likely to preside at the meeting reasonably believes that one of the circumstances specified in paragraph (2) below applies in relation to a meeting, or part of a meeting, of a decision making body, that meeting or part of a meeting must be held in public.

- (2) The circumstances are—

- (a) a decision to be made will be a key decision;
- (b) a matter that is included on the forward plan or is the subject of a notice given under regulation 15 is likely to be discussed; and
 - (i) the decision on that matter is likely to be made within 28 days; and
 - (ii) an officer who is not a political adviser, assistant or council manager will be present at the discussion.

(2A) For the purposes of paragraph (1), “meeting” does not include a meeting to which the circumstances specified in paragraph (2)(b) apply and the principal purpose of which is for an officer of the local authority to brief a decision maker on matters connected with the making of an executive decision.”.

Forward plans

6. In regulation 13, for paragraph (1), substitute—

“(1) A forward plan shall be prepared, in accordance with this regulation and regulation 14, by the executive leader or, as the case may be, by the section 11(2) mayor or the council manager and the first such forward plan shall be prepared as soon as is reasonably practicable after the authority has adopted executive arrangements.”.

Content of the forward plan

- 7.—(1) In regulation 14(1) for “Each” substitute “Subject to regulation 15(2), each”.

(2) In regulation 14(3) for “political adviser or assistant” substitute “political adviser or assistant”.

General exception

8. In regulation 15(1), for “Where”, substitute “Subject to regulation 16, where”.

Cases of special urgency

9. In regulation 16, delete the words “his agreement”.

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

10. For regulation 18(2) substitute—

“(2) No member of an overview and scrutiny committee shall be entitled to a copy—

- (a) of any 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
 - (ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (b) of a document or part of a document containing advice provided by a political adviser or assistant.”.

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

11. For regulation 21(4) and (5) substitute—

“(4) Nothing in these Regulations shall—

- (a) authorise or require a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information; or
- (b) require a local authority to disclose to the public or make available for public inspection any document or part of a 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.

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

- (a) authorise or require 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) require 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.”.

Documents to be available for inspection at the offices of the local authority

12. In regulation 22(4)(b), after “regulation” insert “5(2) or”.

Offences

13. In regulation 23(1)(b) after “in accordance with regulation” insert “5(2), 11(7) or”.

Advance publication of documents and background papers

14. In regulations—

- 9(1) (individual executive decisions);
- 10(a) (procedures prior to public meetings);
- 11(3) (access to agenda and connected reports); and
- 15(1)(c) (general exception),

for “three clear days” in each case, substitute “five clear days”.

Signed by authority of the Secretary of State

Nick Raynsford
Minister of State,

14th March 2002

Department for Transport, Local Government and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to county councils, district councils and London borough councils in England which are operating executive arrangements under Part II of the Local Government Act 2000. These Regulations amend the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 (“the 2000 regulations”). Those Regulations made provision relating to public access to meetings of local authority executives and their committees. The 2000 regulations also made provision in respect of public access to documents relating to the making of executive decisions.

Regulations 4 to 13 make minor corrections to the 2000 regulations.

Regulation 14 amends various provisions of the 2000 regulations as to provide that papers, agendas and documents relating to meeting of local authority executives and their committees have to be available to the public at least 5 clear days instead of 3 clear days before the date of the meeting or, in the case of a decision being taken by an individual member, the date that the decision is taken.

£1.75

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 0443 3/02 ON (MFK)