

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (“the 2000 Regulations”). They are made as a result of changes made by the Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88) (“the 2006 Order”) to Part 5A (access to meetings and documents of certain authorities, committees and sub-committees) of, and Schedule 12A (access to information: exempt information) to, the Local Government Act 1972 (“the 1972 Act”). The 2006 Order comes into force on 1st March 2006.

Part 5A and Schedule 12A make provision in relation to access to meetings and documents of principal councils and certain committees and sub-committees of those councils. In England, principal councils are county councils, district councils and London borough councils (there are some other principal councils which are not relevant for the purposes of these Regulations).

In Part 5A, section 100A(4) (admission to meetings of principal councils) of the 1972 Act permits a principal council to exclude the public from a meeting whenever it is likely that there would otherwise be a disclosure of exempt information to the public. Exempt information is defined in section 100I (exempt information and power to vary Schedule 12A) as the descriptions of information which are, for the purposes of Part 5A, for the time being specified in Schedule 12A to the 1972 Act.

The 2006 Order substitutes a new Schedule 12A for the previous Schedule 12A. Parts 1 to 3 of the new Schedule 12A apply in relation to principal councils in England. In Part 1 of the new Schedule 12A, some of the descriptions of information listed in Part 1 of the previous Schedule 12A are replaced by simpler and clearer descriptions. Similarly, in Part 2 of the new Schedule 12A, some of the previous qualifications are replaced by a public interest test. Consequential amendments are also made to sections 100F (additional rights of access to documents for members of principal councils) and 100I.

Regulation 17 of the 2000 Regulations makes provision in relation to rights of access for members of a local authority to documents in the possession, or under the control, of the executive of that authority. In particular, it sets out the circumstances in which any such document shall be available for inspection by any member of a local authority and, by reference to Part 1 of Schedule 12A to the 1972 Act, the circumstances in which it shall not be made so available. As a consequence of the amendments made by the 2006 Order to Schedule 12A, regulation 2 of these Regulations amends regulation 17 of the 2000 Regulations.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.