

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (ACCESS TO INFORMATION) (AMENDMENT) (ENGLAND) REGULATIONS 2006**

**2006 No. 69**

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

**2. Description**

The Regulations amend the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (S.I. 2000/3272) (“the 2000 Regulations”) as a consequence of amendments made to Part 5A of, and Schedule 12A to, the Local Government Act 1972 (“the 1972 Act”) by the Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88) (“the 2006 Order”).

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Background**

4.1 Part 5A of, and Schedule 12A to, the 1972 Act make provision in relation to access to meetings and documents of principal councils, and certain committees and sub-committees of those councils.

4.2 In relation to England, a principal council is a county council, district council or London borough council. There are other principal councils which are not relevant for the purposes of these Regulations.

4.3 In Part 5A, section 100A(4) (admission to meetings of principal councils) permits a principal council by resolution to exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information.

4.4 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.

4.5 The 2006 Order substitutes for the previous Schedule 12A a new Schedule 12A, Parts 1 to 3 of which apply in relation to principal councils in England.

- 4.6 Part 1 of the new Schedule 12A replaces some of the descriptions of exempt information contained in Part 1 of the previous Schedule 12A with simpler and clearer descriptions of exempt information, whilst some of the qualifications specified in Part 3 of the previous Schedule 12A have been replaced in Part 3 of the new Schedule 12A by a public interest test.
- 4.7 Consequential amendments are also made to sections 100F (additional rights of access to documents for members of principal councils) and 100I.
- 4.8 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 documents shall be available for inspection by any member of the local authority and, by reference to descriptions of exempt information in Part 1 of Schedule 12A, the circumstances in which it shall not be made so available.

## **5. Extent**

This instrument applies in relation to local authorities in England.

## **6. European Convention on Human Rights**

### **European Convention on Human Rights**

The Minister for Local Government, Phil Woolas, has made the following statement regarding Human Rights:

In my view the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 are compatible with the Convention rights.

## **7. Policy background**

- 7.1 The 2006 Order, which necessitates the consequential amendments made by these Regulations to the 2000 Regulations, has the effect of simplifying the exemptions in Schedule 12A to the 1972 Act, and harmonising them with the provisions of the Data Protection Act 1998 and the list of exemptions contained in the Freedom of Information Act 2000.
- 7.2 The amendments made by the 2006 Order follow the recommendations of the ODPM's access to information review group whose membership was drawn from stakeholders and interested parties, and the outcome of consultation across the local government sector.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is neutral.

## **9. Contact**

Luke Scofield at the Office of the Deputy Prime Minister (tel: 020 7944 4275 or e-mail: [luke.scofield@odpm.gsi.gov.uk](mailto:luke.scofield@odpm.gsi.gov.uk)) can answer any queries regarding the instrument.