

Report of	Meeting	Date
Monitoring Officer	Council	25 September 2012

## **LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) REGULATIONS 2012**

### **PURPOSE OF REPORT**

- To advise Members of new regulations which govern public access to meetings and information relating to Executive decision making which were published in August and came into force on 10 September 2012.

### **RECOMMENDATION(S)**

- That the report be noted and that the Constitution of the Council be revised to reflect the new regulations.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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### **CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			/

### **BACKGROUND**

- On 15 August 2012 the Government published the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These regulations govern the requirements for public access to meetings, dictate publication deadlines for agendas and provide for matters to be considered in private.
- The regulations revoke the Access to Information Regulations of 2000, amended in 2002 and 2006 – although many of the provisions remain the same. The Access to Information requirements are contained within Appendix 5 of the Constitution.

## **ELEMENTS OF THE REGULATIONS WHICH REMAIN UNCHANGED**

6. Significant parts of the regulations remain unchanged. Agendas and reports for public meetings must still be published five clear days before the meeting and made available for public inspection at the Council offices and on the Council's website.
7. The procedures for giving notice of late reports and for publishing any material circulated at meetings remain unchanged.
8. The definitions of confidential matters (exempt information) and the definitions of 'key decisions' also remain in force.

## **KEY CHANGES UNDER THE NEW REGULATIONS**

The changes only impact on Executive Arrangements.

### **Private meetings/private business**

9. There is now a requirement to give 28 clear days notice before a meeting, of the intention to hold a fully or partly private meeting and the reasons for the business to be considered in private (Regulation 5).
10. A further notice should then be published five clear days (one week) before the meeting, restating the reasons for a private meeting. The notice must also include details of any representations made about why the business should be transacted in public, and the Executive's response to the representations. The public must be allowed to make representations about why the meeting should be closed and not open to the public.
11. If this above timetable is impracticable, special urgency provisions apply. The meeting can still go ahead if the Executive has had agreement from the relevant Overview and Scrutiny Committee Chair, or if he is unable to act, from the Mayor or the Deputy Mayor. Notice must then be given setting out the reasons why a meeting is urgent and cannot reasonably be deferred (Regulation 5).
12. There are prescribed ways of marking reports that are exempt (Regulation 7(5)). Councillors have the right to inspect documents at least 5 days before, a meeting if available – but if the meeting is in private, documents should be made available when the meeting concludes (Regulation 16).

### **Key decisions**

13. The concept of the Forward Plan has now gone, although key decisions and the definition of key decisions still remain, including the requirement to publish them at least 28 days before the decision is made (Regulation 9). This includes:
  - That a key decision is to be made, and details of the matter;
  - The decision-maker's name and title, or, if a body, its name and full membership;
  - The date on which, or period during which, the decision is to be made;
  - The documents to be submitted to the decision-maker for consideration and details of how to receive copies;
  - A note that other documents relevant to the decision may be submitted to the decision-maker and details of how to receive copies.
14. There is no longer any requirement to give details of consultation undertaken or how a member of the public may make representations to the decision-maker or proper officer.

15. General Exception/Special Urgency provisions – there is still a requirement to give notice of the details of the decision to be made but with an additional requirement to give reasons why it is impracticable to give 28 clear days’ notice.

**Records and Reporting of Executive decisions**

16. Records of any Executive decisions, including those taken by officers, must state:
- The decision taken and the date it was made;
  - The reasons for the decision;
  - Details of options considered and rejected and the reasons why they were rejected;
  - Declarations of interest and details of any dispensations granted in respect of interests.
  - There is no requirement to include details of any consultation.
17. The Regulations now require that a report be taken to Council providing information concerning any Executive Decisions taken using the urgency provisions under the Regulation since the report was taken to Council. It is envisaged that a relevant report will be taken to each Council meeting

**Background papers**

18. Public reports must include not only a list of background papers but at least one copy of each of the documents detailed as background papers must be available for public inspection at the offices and on the Council’s website (Regulation 15).

**Overview and scrutiny**

19. Overview and scrutiny committees may request that the Executive provide documentation relating to business being transacted no later than 10 clear days after receiving such a request (Regulation 17). The Executive must provide a written explanation if whole or part of a document cannot be released.

**IMPACT OF THE NEW REGULATIONS**

20. The implementation of the new regulations will mean some changes in working practices with the inclusion of copies of background papers. Executive meetings which make decisions are not generally held in private and officers do not make executive decisions within the meaning of the regulations. However any change to this situation would mean the new regulations would apply.
21. The Forward Plan in its current form will disappear but notice of decisions to be made will still be published on the website and Members will receive notice of that information.
22. The new regulations will mean the revision of Appendix 5 of the Constitution along with any consequential changes to any other section of the Constitution.

**IMPLICATIONS OF REPORT**

23. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	

Legal	/	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

24. There are no financial implications to the Council as a result of these changes.

**CHRIS MOISTER  
HEAD OF GOVERNANCE AND MONITORING OFFICER TO THE COUNCIL**

Report Author	Ext	Date	Doc ID
Carol Russell	5196	6 September 2012	***

Background Papers			
Document	Date	File	Place of Inspection
Council Constitution			<a href="http://www.chorley.gov.uk/index.aspx?articleid=2997">http://www.chorley.gov.uk/index.aspx?articleid=2997</a>
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Publication date 15 August 2012	***	<a href="http://www.legislation.gov.uk/uksi/2012/2089/contents/made">http://www.legislation.gov.uk/uksi/2012/2089/contents/made</a>