

# COUNCIL

TUESDAY, 21 JULY 2020

## REPORT OF THE LEADER OF THE COUNCIL

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

#### EXEMPT INFORMATION

None

#### PURPOSE

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 specify and require *inter alia* under Regulation 19 that the executive leader must submit a report on a regular basis to Council containing details of particulars of each urgent executive decision and a summary of the matters in respect of which the decision was made.

#### RECOMMENDATIONS

**That the Council endorse the Annual Executive Arrangements Report.**

#### EXECUTIVE SUMMARY

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 came into force on 10 September 2012 making provision for public access to meetings and to information relating to decisions of local authority executives and their committees and access to documents where executive decisions are made by individual members or officers.

The regulations require a document to be published of key decisions (a decision likely to result in the local authority incurring expenditure, which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates) with 28 days' notice of an intended key decision whether it contains exempt information or not as the case may be. As the Council already produced and published a forward plan it retains this document adding additional information in terms of the regulations to ensure compliance. There are also regulations to deal with general exceptions and cases of special urgency including publicity requirements in relation thereto.

The regulations also impose a requirement on the executive leader to produce an annual report to the authority to demonstrate that the Executive is using its powers appropriately and complying with the regulations particularly in relation to urgent executive decisions.

Regulation 19 places an obligation on the executive leader to submit one report annually to the

authority to include particulars of each urgent executive decision made and a summary of the matters in respect of which each decision was made. Since the regulations came into force on 10 September 2012, for the period 01 May 2019 until 30 April 2020 I can confirm that one such decision has been taken by the executive under regulation 11, cases of special urgency. These are detailed in **Appendix 1**. However, as a result of the pandemic, Section 78 of the Coronavirus Act has allowed the authority to make regulations providing for virtual meetings. These 2020 Regulations provides stand-alone powers and amends these provision to address the various issues which arise. A [Summary of impacts - Coronavirus Bill](#) can be found on this link.

## **RESOURCE IMPLICATIONS**

Implementation of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 has no additional resource implications for the authority. The impact of the Coronavirus Act has meant that all resources are focused on delivery of statutory services as well as services to the most vulnerable. In terms of Democratic Services, the team have taken significant steps to ensure compliance with both the 2012 Regulations as well as all associated changes with the implementation of the Coronavirus Act 2020 to ensure full compliance with the statutory provisions thus maintaining high standards of good governance.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The authority continues to have in place measures to ensure compliance with the Regulations by utilising existing software and publishing on the website a document, as required in terms of the said regulations, which is have named the Forward Plan.

## **SUSTAINABILITY IMPLICATIONS**

It is essential that the executive operate in a lawful, open and transparent manner embodying good governance and leading the Authority and setting examples as a consequence.

## **BACKGROUND INFORMATION**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 and the Coronavirus Act 2020.

## **REPORT AUTHOR**

If members would like further information or clarification prior to the meeting please contact Anica Goodwin, Executive Director Organisation ext. 225.

## **LIST OF BACKGROUND PAPERS**

None

## **Appendices**

**Appendix 1** – Notice under the Local Authorities (Executive Arrangements)

**Appendix 2** – Letter from MHCLG