

APPENDIX 1 – Legal requirements - meeting agendas and reports

Local Government (Electronic Communications) (England) Order 2015

Regulation 2.— Amendments to the Local Government Act 1972

(1) *Schedule 12 to the Local Government Act 1972 (meetings and proceedings of local authorities) is amended as follows.*

(2) *In paragraph 4 (principal councils), after sub-paragraph (1) insert —*

"(1A) Five clear days at least before a meeting of a principal council in England—

(a) notice of the time and place of the intended meeting shall be published at the council's offices and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.

(1B) In sub-paragraph (1A)—

(a) "authenticated" means signed or otherwise authenticated in such manner as the proper officer thinks fit; and

(b) the reference to sending the summons to a member by an appropriate method is to—

(i) leaving it at, or sending it by post, to the member's usual place of residence, or

(ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post, to that different address, or

(iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address."

Local Government Act 1972

Section 100B - Access to agenda and connected reports.

(1) *Copies of the agenda for a meeting of a principal council and, subject to subsection (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the council in accordance with subsection (3) below.*

...

- (3) *Any document which is required by subsection (1) above to be open to inspection shall be so open at least five clear days before the meeting, except that—*

(a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and

(b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda;

but nothing in this subsection requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.

...

- (6) *Where a meeting of a principal council is required by section 100A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.*

- (7) *There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—*

(a) a copy of the agenda for a meeting of a principal council and, subject to subsection (8) below, a copy of each of the reports for the meeting;

(b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda; and

(c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item

Section 100D.— Inspection [and publication] of background papers.

- (1) *(b) [in relation to a principal council in England,] at least one copy of each of the documents included in that list shall also be open to inspection at the offices of the council*

...

- (2) *Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.*

Section 100F - Additional rights of access to documents for members of principal councils.

- (1) *Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to subsections (2) to (2E) below, be open to inspection by any member of the council.*

(NB exempt info is excluded)

Section 100H

- (2) *[In relation to a principal council in England, where] a document is open to inspection by a person under any provisions of this Part, the person may, subject to subsection (3)*-*
- (a) make copies of or extracts from the document, or*
- (b) require the person having custody of the document to supply to him a photographic copy of or of extracts from the document, upon payment of such reasonable fee as may be required for the facility.*

...

- (4) *If, without reasonable excuse, a person having the custody of a document which is required by section 100B(1), 100C(1) or 100EA(2) above to be open to inspection by the public—*
- (a) intentionally obstructs any person exercising a right conferred by this Part to inspect, or to make a copy of or extracts from, the document, or*
- (b) refuses to furnish copies to any person entitled to obtain them under any provision of this Part,*
- he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.*

- (7) *The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.*

* subs 3 relates to not infringing copyright

Schedule 12 – paragraph 4 (as amended)

4 -

- (1) *Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.*

(1A) Five clear days at least before a meeting of a principal council in England—

(a) notice of the time and place of the intended meeting shall be published at the council's offices and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.

(1B) In sub-paragraph (1A)—

(a) "authenticated" means signed or otherwise authenticated in such manner as the proper officer thinks fit; and

(b) the reference to sending the summons to a member by an appropriate method is to—

(i) leaving it at, or sending it by post, to the member's usual place of residence, or

(ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post, to that different address, or

(iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.