



# Agenda and Reports





## Convening meetings(1)

- Public and press may attend all meetings unless they are excluded by resolution of the meeting
- Public notice of the business to be considered at the meeting
- 5 clear working day's notice of a meeting
- Agenda and reports to be published 5 clear working days in advance





## Convening meetings (2)

- Agenda and reports published on council's website
- Electronic communication to members
- Reports deemed to be open to the public (unless they are confidential or exempt)
- Only business on the agenda may be transacted – unless urgency can be justified





# Public access to agenda and reports

- ❖ Agenda and reports must be open to inspection by the public at the council's offices for at least 5 clear working days before the meeting
- ❖ Where an item is added to the agenda later, the revised agenda and any report must be made available to the public at that time





## Urgent items of business

- ❖ If a report is not published 5 clear working days before a meeting, it may not be considered unless the chair agrees that, by reason of special circumstances, the item should be considered as a matter of urgency
- ❖ The grounds for urgency must be recorded in the minutes.





## Public access to meetings

The LGA 1972 does not permit remote meetings in England

- ❖ Local authority meetings must take place at a single specified geographical location;
- ❖ attending a meeting means physically going to it; and
- ❖ being "present" at a meeting involves physical presence at the location.

How is your council handling this?

High Court judgment 4 May 2021



# Task groups & working parties

- ❖ Provided that they have no decision making powers, task groups and working parties may meet in private and need not comply with the access to information rules
- ❖ They will usually report back to the ‘parent’ committee with recommendations for adoption at a meeting held in public



# SEE Exclusion of public & press

- ❖ Confidential Information
- ❖ Exempt Information
- ❖ Schedule 12A of LG Act 1972
- ❖ Public interest test under FOI Act 2000
- ❖ The meeting must pass a resolution to exclude public and press



Note: Relevant paragraphs of Schedule 12A must be listed in each of the reports in Part 2 of the meeting

How do you manage exempt business in your council?





# **Background papers**

- ❖ Defined as documents which disclose any facts or matters on which a report is based and which have been relied upon to a material extent in preparing the report
- ❖ Must be listed at the end of the report and made available for public inspection when the report is published (and for up to 4 years after)

Note: This doesn't apply to confidential or exempt business





## Executive arrangements

Different rules apply to executive decision-making:

- ❖ 'Strong Leader' – hands-on involvement in process
- ❖ Leader's scheme of delegation
- ❖ Cabinet Member involvement in drafting and approving reports – and in presenting reports at meetings
- ❖ Informal meetings between Cabinet members and senior management team



# SEE Key decisions

- ❖ 28 days' notice required for all key decisions, this means ....
- ❖ A decision by the cabinet, and individual cabinet member or officer which is likely -
  - a) to result in the council incurring expenditure or making savings which are significant; or
  - b) to be significant in terms of its effect on an area comprising two or more wards



NB This applies only to executive decisions  
The precise definition varies locally



# **SEE Taking key decisions**

Councils must give 28 clear days' notice of any intended key decision

- ❖ The notice must be available not just for inspection but also published on the council's website
- ❖ Where the 28 days' notice has not been given, the 'General Exceptions' or 'Special Urgency' rules apply



# **General exceptions**

Where it's impracticable to give the full notice, a key decision may still be taken provided that –

- ❖ at least 5 clear days' public notice of the decision to be taken is given at the council's offices and on its website, and that
- ❖ the chair of the relevant overview and scrutiny committee is informed or, if there is no such person, all members of the committee



# **Special urgency**

- ❖ If 5 days' notice cannot be given, a key decision can only be made with the agreement of the chair of the relevant overview and scrutiny committee, that the decision is urgent and cannot reasonably be deferred
- ❖ Public notice to effect this must then be posted at the Council's offices and published on its website

NB If there is no chair or the chair is unable to act, the chair or vice-chair of the council may act instead



# SEE Council meetings

- Where are the big decisions taken in your council – full council or cabinet?
- What type of decisions are reserved to full council?
- What about political debate, public question time etc?





# Process at Council meetings

- ❖ Agenda process
- ❖ Role of Mayor
- ❖ Role of political groups
- ❖ Notices of Motion
- ❖ Public Question Time
- ❖ Petitions & Deputations
- ❖ Members' Questions







# Agenda & Reports

Some questions for discussion

