

**Written Statement under paragraph 17(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (The Regulations)**

- 1) Under paragraph 17 (4) of the Regulations where the executive determines that a member of Overview and Scrutiny Committee is not entitled to a copy of a document or part of any document for a reason set out in paragraph (1) or (3), it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.
- 2) A request has been made by two members of Overview and Scrutiny for “the complete commissioning panel documents; those including both savings and investment options that were not taken forward, and any additional detail on the proposals they contain”.
- 3) The commissioning panel papers for proposals that were taken forward in the 2013 budget process have been released to members.
- 4) The remaining commissioning panel papers do not fall within the terms of paragraph 17 for the following reasons:

*Paragraph 17 of the Regulations reads as follows:*

*(1) Subject to paragraph (3) a member of an Overview and Scrutiny Committee of a relevant local authority is entitled to a copy of any document which—*

*(a) is in the possession or under the control of the executive of that authority; and  
(b) contains material relating to—*

*(i) any business that has been transacted at a meeting of a decision-making body of that authority;*

*(ii) any decision that has been made by an individual member of that executive in accordance with executive arrangements; or*

*(iii) any decision that has been made by an officer of the authority in accordance with executive arrangements.*

*(2) Subject to paragraph (3), where a member of an Overview and Scrutiny Committee requests a document which falls within paragraph (1), the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.*

*(3) No member of an Overview and Scrutiny Committee is entitled to a copy—*

*(a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to—*

*(i) an action or decision that that member is reviewing or scrutinising; or*

*(ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or*

*(b) of a document or part of a document containing advice provided by a political adviser or assistant.*

- 6) The request is for documents which the members of Overview and Scrutiny are not entitled to as they do not contain information that has been: transacted at a meeting of a decision making body 17 (1) (b) (i), or a decision made by an individual member of the executive 17(1)(b)(ii), or in a decision by an officer of the authority in accordance with executive arrangements 17(1)(b)(iii). The request is for documents which were about proposals which were not taken forward to a meeting or to an executive member decision or to an officer decision under executive arrangements, therefore the request is for documents which the members of Overview and Scrutiny are not entitled to under paragraphs 17(1)(b)(i), (ii) or (iii) of the Regulations.