

## **SECTION 3: ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

- 1.1 These rules apply to all meetings of the Council and Executive, unless indicated otherwise within this Constitution or by law.

### **2. ADDITIONAL RIGHTS TO INFORMATION**

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or by law.

### **3. RIGHTS TO ATTEND MEETINGS**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. NOTICES OF MEETINGS**

- 4.1 The Council will give at least five clear working days' notice of any meeting by posting details of the meeting on its website and will publish the agenda and report pack at the same time.
- 4.2 The Council will give at least 28 clear days notice of the intention to consider items at a private Cabinet meeting, stating the reasons for this. The notice will be published on its website.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 5.1 The Council will make copies of the agenda and reports to be considered at meetings open to the public available for public inspection on its website or on request to the Governance Services Manager, during office hours. If an item is added to the agenda after the summons to the meeting has been sent out, the Governance Services Manager shall publish the item as soon as it becomes available.
- 5.2 If the Governance Services Manager, in conjunction with the author of a report thinks fit, the Council may exclude access by the public to reports which relate to items during which, in accordance with Rule 9 below, are considered confidential or exempt and where the meeting is likely to exclude the public. Such reports will be marked "Not for publication" together with the category of confidential or exempt information likely to be disclosed.

## **6. SUPPLY OF PAPER COPIES**

- 6.1 If requested, the Governance Services Manager will make available paper copies of any committee, agenda, reports, background papers and minutes which are open to public inspection on payment of a reasonable charge, including postage.

## **7. ACCESS TO MINUTES AND WEBCASTS AFTER MEETING**

- 7.1 As soon as is reasonably practicable after a committee meeting the Governance Services Manager will record or arrange to be recorded in a written statement:
- (a) a record of the decisions and the reasons for the decision;
  - (b) a record of any interest which is declared by a Member in respect of the matter decided; and
  - (c) a note of any dispensation granted by the Standards Committee in respect of any declared interest.
- 7.2 Not all meetings of the council are webcast, as it would not be cost effective to do so. However, if a webcast is made of a meeting, a request can be made for a copy of that webcast, on payment of a reasonable charge. The request must be made to the Governance Services Manager within one calendar month from the date of the meeting.

## **8. BACKGROUND PAPERS**

- 8.1 Authors of reports shall set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
- (a) disclose any facts or matters about the report or upon which an important part of the report is based; and
  - (b) which have been relied on to a material extent in preparing the report but not including any published works.

## **9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

- 9.1 The public must be excluded from meetings whenever it is likely, in the view of the Governance Services Manager, that the nature of the business to be transacted or nature of the proceedings would disclose confidential information.
- 9.2 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- 9.3 The public may be excluded from meetings whenever it is likely, in the view of the Governance Services Manager, that the nature of the business to be transacted or nature of the proceedings, would disclose exempt information and the public interest is in favour of maintaining that exemption.

- 9.4 Exempt information means information falling within the following categories (subject to the stated qualifications):
- (a) Information relating to any individual
  - (b) Information which is likely to reveal the identity of an individual.
  - (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  - (d) Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
  - (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
  - (f) Information which reveals that the authority proposes:
  - (g) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (h) To make an order or direction under any enactment.
  - (i) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
  - (j) Information which is subject to any obligation of confidentiality.
  - (k) Information which relates in any way to matters concerning national security.

- 9.4 Information falling within paragraph 9.4(c) above is not exempt information by virtue of that paragraph if it is required to be registered under:
- (a) the Companies Act (as defined in Section 2 of the Companies Act 2006)
  - (b) the Friendly Societies Act 1974
  - (c) the Friendly Societies Act 1992
  - (d) the Co-operative and Community Benefit Societies Act 2014
  - (e) the Building Societies Act 1986
  - (f) the Charities Act 2011.

9.5 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

9.6 Information which:

- (a) falls within any of paragraph 9.4 above; and
- (b) is not prevented from being exempt by virtue of paragraph 9.5 or 9.6 above

is exempt information if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9.7 All Council meetings will be in public subject to the above exceptions relating to confidential and exempt information and to the further exceptions which are permitted under legislation where the sole purpose of the meeting is to receive a pre-briefing from Officers of the Council, including clarification on particular matters.

## **10. PROCEDURE BEFORE THE EXECUTIVE TAKE KEY DECISIONS**

10.1 Unless the matter is urgent, a Key Decision may not be taken by Cabinet unless:

- (a) a notice ('a Forward Plan') has been published in connection with the matter in question;
- (b) at least twenty eight clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a Cabinet meeting, at least five clear working day notice of the meeting has been given.

10.2 Meaning of Key Decisions:

- (a) Any executive decision which has significant financial implications, having regard to the Council's budget for a service or functions.
- (b) "Significant" means having financial implications above £100,000. Any executive decision which although unlikely to involve significant expenditure or savings, are nevertheless likely to be significant in terms of their effects on communities living or working in an area comprising two or more wards of the Borough.

## **11. THE FORWARD PLAN**

11.1 Forward Plan will be prepared and published to cover a rolling period of four months, beginning with the first day of any month.

11.2 The Forward Plan will contain matters which will be subject to a Key Decision to be taken by the Cabinet during the period covered by the plan. This is the link to the current [Forward Plan](#)

11.3 The Forward Plan contains:

- (a) who the Portfolio holder is
- (b) the date and meeting where the decision will be take
- (c) who the consultees (if any) are
- (d) where/whom representations can be made to
- (e) background papers

11.4 At least twenty-eight clear days' notice must be given of the intention to make a key decision on the Forward Plan at a Cabinet meeting.

## **12. URGENT KEY DECISIONS**

- 12.1 If a matter which due to urgency is likely to be a Key Decision but has not been included in the Forward Plan, a decision may still be taken subject to the following:
- (a) the decision must be taken by a date where it would be impracticable to defer the decision until it has been included in the next Forward Plan and;
  - (b) the Governance Services Manager has obtained the consent of the Chairman of the Overview and Scrutiny Committee
  - (c) Notification of the decision made would be circulated to all members; and
  - (d) the Governance Services Manager has published notice of this on the Council's website.

## **13. REPORTS TO COUNCIL ON URGENT DECISIONS TAKEN BY THE EXECUTIVE**

- 13.1 The Leader will submit at least one report annually to the Council containing details of Urgent Executive decisions taken in the previous year. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **14. KEY DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET AND OFFICERS**

- 14.1. Key Decisions can be taken by individual Members of the Cabinet as set out within the powers delegated to them by Cabinet. These are set out in the Cabinet Procedure Rules.
- 14.2. In the case of urgency, the appropriate portfolio holders can still take an individual key decision outside of their delegated powers:
- (a) where there is an urgent requirement for a decision; and
  - (b) where it is not practicable to convene a quorate meeting of the Cabinet.
- 14.3. The reasons for the urgency must be recorded in writing by the decision taker.
- 14.4. If such individual decisions are Key Decisions then the rules relating to notification and publication and contained in paragraph 12 above must be followed.
- 14.5. Individual executive decisions exercised by Cabinet Members and Officers must be recorded in a written statement as soon as reasonably practicable. The statement must include:
- (a) a record of the decision;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and reasons for their rejection (if any);
  - (d) a record of any interest declared by any Cabinet Member who is consulted

- (e) a note of any dispensation granted by the Standards Committee in respect of any declared interest.
- 14.6. The record of the decision and any reports considered together with any background papers listed, must be published on the Council's website as soon as reasonably practicable and members are notified.

## **15. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS**

- 15.1 All Members of the Council will ordinarily be entitled to inspect any documents relating to business to be transacted at formal Council and Executive meetings.
- (a) This does not include documents in draft form.
  - (b) Members who have a Disclosable Pecuniary Interest in a matter or a conflict with their personal interests, should not request or inspect any council documents or reports relating to that interest and should declare their interest as soon as it becomes apparent.
  - (c) Members may not be entitled to request or inspect council documents that contain individuals' personal data, regulatory matters, and/or confidential or commercially sensitive information.
- 15.2 All Members will be permitted to attend committee meetings, including during the consideration of exempt or confidential information, unless they have a Disclosable Pecuniary Interest in a matter or conflict with their personal interests.
- 15.3 Members of Overview and Scrutiny committee have enhanced powers by law to access exempt or confidential information, in order to perform these functions effectively. Sensitive information may need to be shared in a closed session.