

ACCESS TO INFORMATION PROCEDURE RULES

SCOPE

1. These rules apply to all public meetings of the Council, the Cabinet, and all types of Committees and set out the rights of individuals to attend meetings and access information.
2. The Proper Officer referred to in these rules is the Chief Executive.

ADDITIONAL RIGHTS TO INFORMATION

3. The provisions in this section of the Constitution do not affect any specific rights relating to the access of information which are contained elsewhere in this Constitution or the law; for example the Freedom of Information Act and the Data Protection Act.
4. Previously exempt information may subsequently be made available if the reason for exemption no longer applies.

RIGHT TO ATTEND AND REPORT ON MEETINGS

5. Members of the public may attend to view but not speak at all meetings subject only to the exceptions in these rules.
6. The right to attend also includes the right to report and commentate on public meetings of the Council. This right to report and commentate also includes the right to take photographs, film and audio-record the proceedings as well as commentate on the proceedings via social media. Any person recording the meeting must not disrupt the good order of the meeting and the Chairman may order that a member of the public should leave the meeting or take such measures as they think appropriate in accordance with the Council's rules of procedure.

NOTICE OF MEETINGS

7. The Council will give at least five clear working days' notice of all meetings. Details of all meetings will be posted on the notice board at County Hall and the Council's website. [[link to website](#)]

ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

8. The Council will make copies of the agenda and reports open to the public available for inspection at County Hall and on its website at least five clear working days before the meeting. Where a report is prepared after the Agenda has been published, the Proper Officer will make each such report available to the public as soon as possible.

9. If confidential or exempt information (as defined below) is required to enable a proper decision to be taken it will be placed in an appendix to the report, or on rare occasions it may be necessary for a whole report to be exempt. Reports which include confidential or exempt information will set out the reason for this exemption.

SUPPLY OF COPIES

10. Copies of the agenda and reports are available on the Council's website. Anyone requiring a paper copy should contact Democratic Services (via the Customer Contact Centre on 0800 5008080).

PUBLIC ACCESS TO DOCUMENTS AFTER THE MEETING

11. Copies of meeting documents will be publicly available for 6 years following the date of the meeting unless they relate to exempt or confidential information.
12. The Council will supply copies of the publicly available documents to any person who requests them but may make a charge for costs incurred such as postage and photocopying.
13. Meeting documents will include minutes of meetings, agendas and reports.
14. The Council will supply a written summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record without disclosing exempt information.

BACKGROUND PAPERS

15. All reports will include a list of background papers (if any) relating to the subject matter of the report which:
 - a. which have been relied on in preparing the report (e.g a consultant's report);
 - b. disclose any facts or matters on which the report or an important part of the report is based,but will not include published works or those which disclose exempt or confidential information (as defined in paragraphs 17 and 18 below) and in respect of Cabinet reports the advice of a political adviser.
16. The Council will keep for four years after the date of the meeting a copy of any background papers. Anyone requiring a copy of background papers should contact Democratic Services (via the Customer Contact Centre on 0800 5008080). Any person is entitled either:
 - a. to make copies or extracts from such a document if publicly available; or

- b. to be supplied with a photocopy of all or parts of the publicly available document on payment of a reasonable fee;
- provided in either case that copyright is not infringed.

CIRCUMSTANCES WHERE THE PUBLIC ARE EXCLUDED FROM MEETINGS

- 17. Members of the public must be excluded from a meeting where confidential information is being discussed. Confidential information for these purposes is:
 - a. information given to the Council by a Government Department on terms which do not permit its public disclosure; or
 - b. information which cannot be publicly disclosed by virtue of any enactment or by Court Order.
- 18. Members of the public may be excluded from a meeting where exempt information as set out below is being discussed.

CATEGORIES OF EXEMPT INFORMATION

1. Information relating to any individual, such as names, addresses, telephone numbers or job titles
2. Information which is likely to reveal the identity of an individual, such as names addresses, telephone numbers or job titles
3. Information relating to the financial or business affairs of any particular person (including the Council). This could include contemplated as well as past or current activities
4. Information relating to any consultations or negotiations on employee relations
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the Council proposes to issue a formal legal notice or make a formal legal order or direction
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

- 19. General Conditions:
 - a. Information under category 3 above **is not** exempt if it is required to be registered under various companies, friendly societies, cooperative and community benefit societies, building societies and charities acts.
 - b. Information under any of the above categories **is not** exempt if it relates to proposed development for which the Council as local planning authority may grant itself planning permission.
 - c. Information **is not** exempt if it is required by law to be publicly available.

- d. Information **can be** exempt if it falls within one of the categories above and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
20. The public may be excluded from meetings where the Chairman considers this necessary in order to prevent disorderly conduct or other misbehaviour at a meeting in accordance with the Council's rules of procedure.
21. Where Governance and Ethics Sub-Committee is convened to consider or review an alleged contravention of the Council's Code of Conduct for Councillors, the provisions set out in the Council's procedure for considering such complaints shall apply. The meeting and papers of the Sub-Committee will not be open to the public unless the Sub-Committee determines that the public interest in maintaining an exemption in respect of personal information is outweighed by the public interest in disclosing the information. This will also apply to the Senior Staffing Committee.

PROCEDURE PRIOR TO PRIVATE MEETINGS OF THE EXECUTIVE

22. A private meeting means a meeting, or part of a meeting of the Cabinet or a Cabinet Committee during which the public and press are to be excluded.
23. At least 28 clear days before a private meeting the Cabinet or a Cabinet Committee must publish a notice at County Hall and on the Council's website of its intention to hold the meeting in private and the reasons for the meeting to be held in private.
24. At least 5 clear days before a private meeting, the Cabinet or a Cabinet Committee must make available at County Hall and on the Council's website a further notice of its intention to hold the meeting in private, setting out:
- a. a statement of the reasons for the meeting to be held in private
 - b. details of any representations received about why the meeting should be held in public; and
 - c. a statement in response to any representations.
25. If the date by which the meeting must be held makes the publication of the notices impracticable, the meeting can only be held in private where the Cabinet or a Cabinet Committee obtains the agreement of the Chairman of the Overview Committee that the meeting is urgent and cannot reasonably be deferred. If the Chairman of Overview Committee is unable to act, then the agreement of the Chairman of the Council, or in their absence the Vice-Chairman, will suffice.
26. Where the Cabinet or a Cabinet Committee has obtained agreement as mentioned in paragraph 25 above, as soon as reasonably practicable it must make available at County Hall and on the Council's website a notice explaining why the meeting is urgent and cannot reasonably be deferred.

PROCEDURE BEFORE TAKING KEY DECISIONS

27. A Key Decision is an executive decision which is likely to:
- a. 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, OR
 - b. be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority
28. The Council's Financial Regulations (at **Section xx**) set the financial threshold in respect of (a) at £1,000,000 or more for both revenue and capital funding.
29. Subject to paragraph 34 (**general exception**) and paragraph 36 (**special urgency**), a Key Decision may not be taken unless:
- a. a notice called The Forward Plan (which includes details of the Key Decision to be taken) has been published;
 - b. at least 28 clear days have elapsed since the publication of the Forward Plan (including details of the Key Decision); and
 - c. where the decision is to be taken at a meeting of the Cabinet or committee of Cabinet notice of the meeting has been given in accordance with paragraph 7 (Notices of Meetings) and copies of the agenda and reports are open to the public for inspection in accordance with paragraphs 8 and 9 (Access to Agenda and Reports before the Meeting).

THE FORWARD PLAN OF KEY DECISIONS

30. The Forward Plan will be prepared to cover a period of up to four months and will be updated on a monthly basis, or as and when required.
31. The Forward Plan will contain details of all the matters which will be the subject of a Key Decision to be taken by the Cabinet, committee of Cabinet, a Cabinet Member or an Officer in the course of a discharge of an executive function. It will include:
- a. that a Key Decision is to be made on behalf of the Council;
 - b. the matter in respect of which the decision is to be made;
 - c. where the decision-maker is an individual, their name and title;
 - d. where the decision-maker is a body, its name and members;
 - e. the date on or period within which the decision will be made;

- f. the documents to be considered by the decision-maker before the decision will be made;
 - g. the address from which, subject to any prohibition or restriction on their disclosure, copies of the documents listed are available;
 - h. that other documents relevant to those matters may be submitted to the decision-maker; and
 - i. the procedure for requesting details of those documents (if any) as they become available.
32. The Forward Plan will be available for public inspection at County Hall and on the Council's website.
33. Exempt or confidential information will not be published in the Forward Plan although particulars of the relevant decision will be published.

General Exception

34. If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to paragraph 36 (special urgency) the decision may still be taken if:
- a. the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and there is not sufficient time to issue an addendum to the Forward Plan;
 - b. the Proper Officer has by notice in writing informed the Chairman of the Overview or a Select Committee of the matter about which the decision is to be made, including in the notice reasons why compliance with the publication requirements before making a Key Decision is impracticable;
 - c. the Proper Officer has made copies of that notice available to the public at County Hall and on the Council's website; and
 - d. at least 5 clear days have elapsed since the Proper Officer complied with (c).
35. Where such a decision is taken collectively it must be taken in public unless paragraph 17 or 18 (exclusion of the public) applies.

Special Urgency

36. If, by virtue of the date by which a Key Decision must be taken, paragraph x above (general exception) cannot be followed, the Key Decision can only be taken if the Proper Officer obtains the agreement of the Chairman of the relevant Overview or Select Committee that the taking of the decision cannot reasonably be deferred. If the Chairman of the relevant Overview or Select Committee is

not available then the agreement of the Chairman of the Council, or in their absence the Vice-Chairman can be obtained.

37. As soon as reasonably practicable after the Proper Officer has complied with paragraph 36 they must make available at County Hall and on the Council's website a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

REPORT TO FULL COUNCIL

When Overview Committee can require a report

38. If the Overview Committee thinks that a Key Decision has been taken which was not:
 - a. included in the Forward Plan; or
 - b. the subject of the general exception procedure in paragraph 34; or
 - c. the subject of an agreement under the special urgency procedure in paragraph 36;

the Overview Committee may require the Cabinet to submit a report to Full Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee but is also designated to the Proper Officer who shall require such a report on behalf of the Chairman of Overview Committee.

Cabinet's report for Full Council

39. The Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of Full Council is within 15 working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.
40. The report to Full Council will set out particulars of the decision, the reason for the decision, the individual or body making the decision, and if the Cabinet is of the opinion that it was not a Key Decision the reasons for the opinion.

Reports on special urgency decisions

41. The Leader will include in his Executive Reports to Full Council the number and a summary of any decisions taken under paragraph 36 (special urgency) in the period since the last Full Council meeting.

RECORD OF DECISIONS

Cabinet/Cabinet Member decisions

42. After each meeting of the Cabinet or committee of Cabinet, or following a delegated decision by any Cabinet Member, the Proper Officer will produce a written record of every decision taken as soon as reasonably practicable.
43. The written record referred to in paragraph 42 above must include:
 - a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the decision maker;
 - d. a record of any conflict of interest relating to the matter decided which was declared by any member of the Cabinet; and
 - e. in respect of any declared conflict of interest a note of any dispensation granted by the Head of Paid Service.

Officer decisions

44. As soon as reasonably practicable after an Officer has made a decision which is an executive decision, the Officer must produce a written record which shall include:
 - a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the Officer when making the decision;
 - d. a record of any conflict of interest declared by any member of the Cabinet who was consulted by the Officer which relates to the decision; and
 - e. in respect of any declared conflict of interest a note of any dispensation granted by the Head of Paid Service.
45. As soon as reasonably practicable after an Officer has made a decision which is a relevant non-executive decision (as defined in paragraph 46 below), the Officer must produce a written record which shall include:
 - a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;

- c. details of any alternative options considered and rejected by the Officer when making the decision; and
 - d. where acting under a specific express authorisation, the names of any Councillor who has declared a conflict of interest in relation to the decision.
46. A “relevant non-executive decision” is a non-executive decision made:
- a. under a specific express authorisation;
 - b. under a general authorisation to Officers to take such decisions and, the effect of the decision is to:
 - i. grant a permission or licence;
 - ii. affect the rights of an individual; or
 - iii. award a contract or incur expenditure which, in either case, materially affects the Council’s financial position.
47. For the purposes of paragraph 46 above the Council’s financial position will be regarded as being materially affected if the value of the contract (including any extensions), or as the case may be, the amount of the expenditure or savings is £500,000 or more.
48. The Proper Officer will ensure that a copy of the records referred to in paragraphs 42 to 45 are available for inspection by the public as soon as reasonably practicable at County Hall and on the Council’s website.
49. Administrative and operational decisions taken by Officers about how they go about their day to day work within the Council will not need to be recorded.

OVERVIEW COMMITTEE, SELECT COMMITTEES AND HEALTH SCRUTINY COMMITTEE - ACCESS TO DOCUMENTS

50. Subject to paragraph 51 below members of the Overview, Select and Health Scrutiny Committees are entitled to a copy of any documents which are in the possession or under the control of the Cabinet or any committee of Cabinet and which contains material relating to:
- a. any business that has been transacted at a meeting of a decision-making body of the Council;
 - b. any decision that has been made by an individual Cabinet Member in accordance with the executive arrangements;
 - c. any decision that has been made by an Officer in accordance with the executive arrangements.
51. Where a member of an Overview, Select or Health Scrutiny Committee requests a document following the definition above, the Cabinet must provide

that document as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the request.

52. The entitlement does not extend to:
- a. any document that is in draft form;
 - b. a copy of any document or part of a document that contains exempt or confidential information unless that information is relevant to an action or decision that the Committee are reviewing or scrutinising or intend to scrutinise in line with their work programme; or
 - c. the advice of a political adviser or assistant.

ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS

53. Subject to paragraph 56 below, all County Councillors will be entitled to inspect any document in the possession or under the control of the Executive which contains material relating to any business to be transacted at a public meeting.
54. Any document under paragraph 53 above, must be available for inspection for at least 5 clear days before the meeting except where:
- a. The meeting is convened at shorter notice, it shall be available when the meeting is convened; and
 - b. Where an item is added to the agenda of the meeting at shorter notice, it shall be available when the item is added to the agenda.
55. Subject to paragraph 56 below, any document which is in the possession or under the control of the Executive and contains material relating to:
- a. any business transacted at a private meeting;
 - b. any decision made by a Cabinet Member under their delegation; or
 - c. any decision made by an Officer in accordance with executive arrangements, must be available for inspection by a County Councillor within 24 hours of the conclusion of the meeting or the decision having been made as the case may be.
56. The entitlement to access documents does not extend to a document or part of a document:
- a. that is in draft form; or
 - b. that contains exempt information falling within paragraphs 1, 2, 4, 5, or 7 of the categories of exempt information; or

- c. it contains exempt information falling within paragraph 3 of the categories of exempt information and that information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
 - d. that includes advice from a political adviser or assistant.
57. Where a County Councillor requests to inspect a document containing exempt information that is not disclosable, the Proper Officer will consider if the exempt information is of a nature that the County Councillor should be required to demonstrate a need to know the information. Applications should be made to the Proper Officer setting out why the County Councillor believes they have a need to know the exempt information concerned in order to properly perform their duties. If the Proper Officer determines, having taken appropriate advice, that a need to know is established the information will be supplied.
58. A County Councillor shall not knowingly inspect or request to inspect any document relating to a matter in which they have a Disclosable Pecuniary Interest. Where they have a Private Interest, pecuniary or non-pecuniary, a member should consider their position in line with the Code of Conduct for Councillors and Co-Opted Members, and the Councillor Interests Protocol.
59. These rights shall not preclude the Monitoring Officer from declining to allow inspection of any document which is or would be protected by legal advice privilege or litigation privilege.
60. These rights of a County Councillor are additional to any other right they may have.

CONFIDENTIALITY AND CONFIDENTIAL INFORMATION

61. Where a County Councillor or Co-Opted Member is provided with exempt or confidential information they must not disclose it unless they have written permission from the Proper Officer to do so.
62. Nothing in these procedure rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.