

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These Rules apply to all meetings of the Council, the Cabinet, panels and committees, sub-committees and sub-groups. The Licensing Committee has resolved to adopt the Rules for the purpose of its meetings but separate proceedings will apply to the hearings of its sub-committees.

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

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

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

Members of the public may attend all meetings subject only to the exceptions in these Rules.

### **4. NOTICES OF MEETING**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Council's offices at Pathfinder House, Huntingdon

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

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the agenda. Where reports are prepared after the agenda has been sent out, the Head of Legal and Democratic Services shall make each such report available to the public as soon as the report is completed and sent to Councillors.

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

The Council will supply copies of:-

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Legal and Democratic Services thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a reasonable charge for postage and any other costs.

### **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:-

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

Every report shall list those documents (background papers) relating to the subject matter of the report, except exempt or confidential information (as defined in Rule 10), which:-

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report.

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the Council's offices at Pathfinder House, Huntingdon.

## **10. EXCLUSION OF THE PUBLIC FROM MEETINGS**

### **10.1 Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

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.

### **10.2 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### 10.3 Meaning of exempt information

Exempt information means information falling within the following 7 categories, subject to the relevant condition(s):-

Category	Condition
1. Information relating to any individual.	
2. Information that is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under –</p> <ul style="list-style-type: none"> <li>(a) The Companies Act 1985</li> <li>(b) The Friendly Societies Act 1974</li> <li>(c) The Friendly Societies Act 1992</li> <li>(d) The Industrial and Provident Societies Act 1965 – 1978</li> <li>(e) The Building Societies Act 1986; or</li> <li>(f) The Charities Act 1993.</li> </ul>
4. 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.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes –	
<ul style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>(b) to make an order or direction under any enactment.</li> </ul>	

<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p> <p>7A Information which is subject to any obligation of confidentiality.</p> <p>7B Information which relates in any way to matters concerning national security.</p> <p>7C The deliberations of the Standards Committee or of a sub committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to under the provisions of Section 60 (2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.</p>	
---	--

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.

Information which –

- (a) falls within any of paragraphs 1 - 7 above; and
- (b) is not prevented from being exempt by virtue of the conditions attached to paragraph 3 and to Regulation 3 of the Town & Country Planning General Regulations 1992, 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.

In these circumstances, the Head of Legal and Democratic Services and Monitoring Officer (or in his absence the Legal Services Manager) shall determine the public interest case.

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Head of Paid Service or his/her nominee thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be endorsed "Not for publication" together with the category of information likely to be disclosed.

## 12. APPLICATION OF RULES TO THE CABINET

Rules 13 – 24 apply to the Executive Leader, Cabinet, its committees and executive councillors. If the Executive Leader, Cabinet, its committees and executive councillors propose to meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. A key decision is defined in paragraph 13.03 (b) of Article 13 of this Constitution.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer present or the Executive Leader or an executive

councillor propose to take a key decision, within 28 days of the date according to the Notice of Executive Decisions by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply.

### **13. PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:-

- (a) a notice (in the form of a Notice of 'Executive Decisions') has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Notice; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

### **14. NOTICE OF EXECUTIVE DECISION**

#### **14.1 Period of Notice**

The Executive Leader will give 28 clear days notice of the intention to make a key decision and notice of any intention to hold part of the Cabinet meeting in private. Such notice to include a statement as to why any specific matter is being dealt with in private. The Notice will be available for inspection at the District Council's offices and published on the District Council's website.

#### **14.2 Content of the Notice**

The Notice will contain matters which the Executive Leader has reason to believe will be the subject of a key decision to be taken by himself/herself, the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Notice. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available; and
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the

decision is to be made, and the date by which those steps must be taken.

Exempt information need not be included in the Notice and confidential information cannot be included.

**15. PROCEDURES PRIOR TO HOLDING A MEETING OF THE CABINET IN PRIVATE (OR PART OF A MEETING IN PRIVATE) FOR THE PURPOSE OF CONSIDERING EXEMPT INFORMATION**

- 15.1 Where the Cabinet, a sub committee of the Cabinet or a Cabinet Member proposes to take an executive decision and also hold the meeting or part of the meeting at which that decision will be taken in private because it is likely, in view of the nature of the business to be transacted, that exempt information would be disclosed, in accordance with the relevant legislation the Council will:
- (a) produce a notice of its intention to hold the meeting or part of the meeting in private at least 28 days before the meeting in question; and
  - (b) make a copy of that notice available at the District Council's Offices as well as publishing that notice on the Council's website.
- 15.2 The notice referred to above will be incorporated in the Council's Notice of Decisions. The notice will include a statement of the reasons why the meeting is to be held in private.
- 15.3 The Council will produce an additional notice of its intention to hold a meeting or part of a meeting in private at least five clear days before the meeting in question. The Council will make a copy of that notice available at the District Council's Offices as well as publishing that notice on the Council's website.
- 15.4 The notice referred to will be incorporated in the agenda for the meeting in question. The notice will include:
- (a) a statement of the reasons for the meeting or part of the meeting to be held in private;
  - (b) details of any representations received by the Council about why the meeting should be open to the public; and
  - (c) a statement of the Council's response to any such representations.
- 15.5 Where the date by which a meeting must be held makes compliance with paragraph 15.1 impracticable, a meeting or part of a meeting may only be held in private where agreement has been obtained from the Chairman of the relevant Overview & Scrutiny Panel or, if there is no such person or that person is unable to act, the Chairman of the Council or if they are also unable to act, the Vice-Chairman of the Council, on the grounds that the meeting is urgent and cannot be reasonably be deferred.
- 15.6 As soon as reasonably practicable after agreement to hold a meeting in private has been obtained under 15.5, the Council will make available at the District Council's Offices, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and will publish that notice on the Council's website.

## **16. GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the Notice, then subject to Rule 17 (special urgency), the decision may still be taken if:-

- (a) At least five clear days public notice of the decision to be taken is given at the Council's Offices and on the website; and
- (b) the Head of Paid Service has given notice in writing to the Chairman of a relevant Overview and Scrutiny Panel, or if there is no such person, each member of that Panel in writing, by notice, of the matter to which the decision is to be made.

## **17. SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of a relevant Overview and Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no Chairman of a relevant Overview and Scrutiny Panel, or if the Chairman of each relevant Overview and Scrutiny Panel is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the consent of the Head of Paid Service or his/her nominee will suffice. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Panel, together with the reasons for urgency. Once agreement has been obtained that the making of the decision is urgent and cannot be reasonably deferred, Notice to this effect must be made available at the District Council's Offices and published on the website.

## **18. REPORT TO COUNCIL**

### **18.1 When an Overview and Scrutiny Panel can require a report**

If an Overview and Scrutiny Panel thinks that a key decision has been taken which was not:-

- (a) included in the Notice of Executive Decisions;
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Overview and Scrutiny Panel Chairman or the Chairman of the Council or the Head of Paid Service or his/her nominee under Rule 17;
- (d) the Panel may require the Executive Leader to submit a report to the Council within such reasonable time as the Panel specifies. The power to require a report rests with the Panel, but is also delegated to the Head of Legal and Democratic Services, who shall require such a report on behalf of the Panel when so requested by the Chairman or any three members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Panel.

## **18.2 Executive Leader Report to Council**

The Executive Leader will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven working days of receipt of the written notice, or the resolution of the Panel, then the report may be submitted to the meeting after that. The report to the Council will set out particulars of the decision, the individual or body making the decision, and if the Executive Leader is of the opinion that it was not a key decision the reasons for that opinion.

## **18.3 Quarterly reports on special urgency decisions**

In any event the Executive Leader will submit quarterly reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **19. RECORD OF DECISIONS**

After any meeting of the Cabinet or its committees or a decision is taken by the Executive Leader or an executive councillor, the Head of Legal and Democratic Services will produce a record of every decision taken as soon as practicable. The record will include a statement of the reasons for each decision, any alternative options considered and rejected at that meeting details of any conflict of interest declared by any Member and, if applicable, a note of any dispensation in respect of a conflict of interest which has been granted by the Head of Legal & Democratic Services and Monitoring Officer.

## **20. CABINET MEETINGS IN PUBLIC**

All meetings of the Cabinet will be held in public, except where the business to be transacted would disclose confidential or exempt information under Rule 10.

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

### **21.1 Reports intended to be taken into account**

An individual member of the Cabinet shall not make a decision and an officer shall not make a key decision until he/she has taken into account a written report and he/she will not make the decision until at least five clear days after receipt of that report.

### **21.2 Provision of copies of reports to Overview and Scrutiny Panels**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant Overview and Scrutiny Panel as soon as reasonably practicable, and make it publicly available at the same time.

### **21.3 Record of individual decision**

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Head of Legal and Democratic



Services to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.

## **22. OVERVIEW AND SCRUTINY PANELS ACCESS TO DOCUMENTS**

### **22.1 Rights to Copies**

Subject to Rule 22.2 below, an Overview and Scrutiny Panel (including its sub-panels) will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:-

- (a) any business transacted at a meeting of the Cabinet; or
- (b) any decision taken by an individual member of the Cabinet.

### **22.2 Limit on Rights**

An Overview and Scrutiny Panel will not be entitled to:-

- (a) any document that is in draft form; or
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

## **23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **23.1 Material relating to previous business**

Any document which is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a meeting of the Cabinet or relates to any key decision shall be open to inspection by any Member of the Council unless it appears to the Head of Legal and Democratic Services and Monitoring Officer that it discloses exempt information.

Notwithstanding paragraph 23.1, the document will remain open to inspection if the information it contains falls within paragraphs 3 or 6 of Schedule 12A to the Local Government Act 1972 (with the exception of information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract).

### **23.2 Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph 23.1 applies.

### **23.3 Nature of rights**

These rights of a member are additional to any other right he/she may have.

This page is intentionally left blank