

Section B

Access To Information Procedure Rules

CONTENTS

- Rule 1. Scope**
- Rule 2. Definitions**
- Rule 3. Rights to Attend Meetings**
- Rule 4. Notices of Meetings**
- Rule 5. Access to Agenda and Reports Before Meeting**
- Rule 6. Supply of Copies**
- Rule 7. Access to Minutes Etc After the Meeting**
- Rule 8. Background Papers**
- Rule 9. Summary of Public's Rights**
- Rule 10. Exclusion of Access by the Public to Meetings**
- Rule 11. Exclusion of Access by Public to Reports**
- Rule 12. Business Containing Exempt Information**
- Rule 13. Public Rights of Appeal**
- Rule 14. Application of Rules to the Executive**
- Rule 15. Key Decisions**
- Rule 16. Publicity and Procedure in Connection with Key Decisions**
- Rule 17. General Exception**
- Rule 18. Special Urgency**
- Rule 19. Reports to Council**
- Rule 20. Procedures Prior to Private Meetings**
- Rule 21. Recordings of Executive Decisions made at Meetings**
- Rule 22. Recording of Executive Decisions made by Individuals**
- Rule 23. Recording of Non-Executive Decisions Made by Individuals**
- Rule 24. Scrutiny Committees Access to Documents**
- Rule 25. Additional Rights of Access for Members – The Executive**
- Rule 25A. Additional Rights of Access for Members – The Council**
- Rule 26. Rights of Members – “Need to Know”**

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

- 1.1 Except as otherwise indicated, Rules 3 - 13 and Rule 26 apply to all meetings of the Council, scrutiny committees, area committees, the regulatory and other non-executive committees and sub-committees and meetings of the Executive and committees of the Executive (together called meetings). Rules 15 – 22 and 24 - 25 apply exclusively to executive decisions, meetings of the Executive and documents in the possession or under the control of the Executive. Rule 25A applies exclusively to documents in the possession or under the control of the Council, relating to meetings of the Council, its committees or sub-committees.
- 1.2 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. DEFINITIONS

In these Rules: –

- (a) “decision-maker” means the decision-making body by which, or the individual by whom, a decision is taken;
- (b) “the decision-making body” includes the Executive or a committee of the Executive;
- (c) “executive decision” means a decision made or to be made by a decision-maker in connection with the discharge of a function which is the responsibility of the Executive;
- (d) “key decision” has the meaning given in Rule 15;
- (e) “political adviser or assistant” means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989;
- (f) “private meeting” means a meeting, or part of a meeting, during which the public are excluded under Rule 10;
- (g) “public meeting” means a meeting which is open to the public in accordance with Rule 3;
- (h) “relevant scrutiny committee” means such scrutiny committee(s) as determined by the City Solicitor.

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend all meetings subject only to the exceptions in Rule 10.
- 3.2 While a meeting is open to the public any member of the public attending may report on that meeting by:

ACCESS TO INFORMATION PROCEDURE RULES

- (a) filming, photographing or making an audio recording of proceedings at a meeting;
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting, but may be provided outside or after the meeting).

4. NOTICES OF MEETINGS

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the main office of the Council and on the Council's website.
- 4.2 Where the meeting is convened at shorter notice, notice will be posted at the time the meeting is convened.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1 Subject to Rule 11 a copy of the agenda and any report for a meeting will be available for public inspection at the main office of the Council and on the Council's website.
- 5.2 Any document which is required by Rule 5.1 to be subject to public inspection must be available for at least 5 clear days before the meeting except that -
 - (a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and
 - (b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda.

6. SUPPLY OF COPIES

- 6.1 The Council will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and

ACCESS TO INFORMATION PROCEDURE RULES

- (c) if the City Solicitor thinks fit, copies of any other documents supplied to Members in connection with an item;

to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

- 6.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting.
- 6.3 The Council will also supply copies of documents available for public inspection under Rule 7 and Rule 8.2 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

- 7.1 The Council will make available at the main office of the Council and on the Council's website as soon as reasonably practicable after a meeting copies of the following: -
 - (a) the minutes of the meeting and records of decisions taken, together with reasons, at meetings of the Executive, 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.
- 7.2 The above documents will be retained by the Council and be open to inspection for six years after the meeting.

8. BACKGROUND PAPERS

8.1 List of background papers

The relevant Chief Officer will set out in every report and with every written statement made under Rule 23.1 a list of those documents (called background papers) relating to the subject matter of the report which in their~~his/her~~ opinion: -

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

ACCESS TO INFORMATION PROCEDURE RULES

- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political adviser or assistant.

8.2 Public inspection of background papers

The Council will make available for public inspection at the main office of the Council and (in the case of executive documents and non-executive delegated decisions falling within Rule 23.1) on the Council's website one copy of each of the documents on the list of background papers. Such papers will be available from the time the report or written statement (to which they are background papers) is available until four years after the date of the meeting.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the main office of the Council.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO 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.

10.2 Meaning of confidential information

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 reason of a Court Order or any enactment.

10.3 Exempt information - discretion to exclude public

The public may be excluded from meetings by a resolution passed by the meeting 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.

10.4 Meaning of exempt information

- (a) Exempt information means information falling within the following 7 descriptions (subject to any qualifications).

ACCESS TO INFORMATION PROCEDURE RULES

	Description	Qualification
1.	Information relating to any individual	Information within paragraph 1 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.
2.	Information which is likely to reveal the identity of an individual.	Information within paragraph 2 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.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information within paragraph 3 is not exempt information if it is required to be registered under-</p> <ul style="list-style-type: none"> (a) the Companies Acts (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; or (f) the Charities Act 2011. <p>Subject to the above, Information within paragraph 3 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.</p>
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any	Information within paragraph 4 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.

ACCESS TO INFORMATION PROCEDURE RULES

	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.	Information within paragraph 5 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.
6	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information within paragraph 6 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
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 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.

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.

- 10.5 A member or members of the public may be excluded from a public meeting by use of a lawful power in order to maintain orderly conduct or prevent misbehaviour at a meeting.

ACCESS TO INFORMATION PROCEDURE RULES

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the City Solicitor thinks fit, the Council may exclude access by the public to the whole or part of any reports which in ~~their~~^{his or her} opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public.

11.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 11.1 -

- (a) every copy of the whole report or part of the report must be marked "Not for Publication"; and
- (b) there must be stated on every copy of the report -
 - (i) that it contains confidential information; or
 - (ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

12. BUSINESS CONTAINING EXEMPT INFORMATION

12.1 A member of the public may request the Chief Officer who wrote a report to be considered at any meeting of the Council, its Committees or Sub Committees or the Executive to:-

- (a) recommend that an item of business containing exempt information should be taken in public; and/or,
- (b) allow ~~them~~^{him/her} to inspect the report or any background document to a report.

12.2 Such a request must be made -

- (a) in the case of the meeting of the Executive or committee of the Executive where notice has been published under Rule 20.3, at least 6 clear days before the meeting; and
- (b) in any other case, at least 48 hours before the meeting.

12.3 If such a request is refused, the Chief Officer must give a reason for the decision together with details of the appeals procedure under Rule 13.1

12.4 A decision by a Chief Officer under Rule 12 to refuse a request will remain valid unless altered on appeal to the meeting which is to consider the item concerned.

ACCESS TO INFORMATION PROCEDURE RULES

13. PUBLIC RIGHTS OF APPEAL

13.1 The procedure for appealing against a Chief Officer's decision in accordance with Rule 12 is as follows: -

- (a) The appellant must write to the Chief Executive giving details of the item concerned together with the reason (s) for ~~their~~his / her request at least 24 hours before the meeting in question. The time of receipt of the appeal must be recorded as any received after this time will be invalid.
- (b) The appeal will be dealt with in private as the first item on the agenda.
- (c) Initially, only the Chief Officer (or representative) who refused the original request, the Chief Executive's representative and the Members concerned may be present.
- (d) The Chief Officer will report the matter to the meeting giving his/her reasons for the decision and Members will be allowed to ask questions.
- (e) The appellant will then be called into the meeting and the chair will summarise the reasons given for the refusal.
- (f) The appellant will give ~~their~~his / her reason (s) for the request and Members will be allowed to ask questions of the appellant and the Chief Officer but having regard to the confidentiality of the item.
- (g) Both parties will withdraw and the meeting will then consider and determine the appeal.

13.2 Where an appeal relates to the inspection of an exempt document and is not dealt with under Rule 13.1 (being made either after the meeting in question or less than 2 hours before), the following procedural timetable will apply: -

- (a) The appellant must submit the appeal in writing to the Chief Executive within 10 working days of the refusal by the Chief Officer;
- (b) The relevant body will determine the appeal within 8 weeks of its receipt.

14. APPLICATION OF RULES TO THE EXECUTIVE

Rules 15 - 22 and 24 – 25 apply exclusively to executive decisions, meetings of the Executive and committees of the Executive, and documents in the possession or under the control of the Executive. Rules 3 - 13 and 26 also apply to meetings of the Executive and its committees.

ACCESS TO INFORMATION PROCEDURE RULES

15. KEY DECISIONS

- 15.1 A “key decision” means an executive decision which is likely -
- (a) to 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) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

15.2 For the purposes of **Rule 15.1** (a) above significant expenditure or savings are expenditure or savings (including the receipt or loss of income or capital receipts) in excess ~~of the lesser of £500,000 or (provided that it is not less than £50,000) 10% of the gross operating expenditure for any budget heading in the revenue budget approved by Council~~ provided that the following decisions will not be key decisions, by virtue only of **Rule 15.1** (a) above, whatever the level of expenditure or savings involved:

(a) The following Treasury Management decisions –

- (i)** any decision to borrow money to meet the short term borrowing requirements of the Council, to fund the approved capital programme, to refinance maturing debt or to restructure the long term borrowing of the Council;
- (ii) any decision to invest funds in accordance with the Treasury Management Strategy approved by the Council;
- ~~(iii) any decision implementing the business plan of any DSO/DLO with the exception of the letting of sub-contracts by the DSO/DLO with a value in excess of £250,000;~~
- (biv)** any of the following decisions relating to the management of Council land subject to the Council obtaining best consideration: **R**ent reviews, release or waiver of covenants, short term leases (i.e. less than 7 years);
- (cv)** any decision to apply scheme-specific third party grants or contributions towards expenditure where the net cost to the City Council of the decision is below the level of significant expenditure or savings referred to above;
- (dvi)** the settlement of any actual or threatened legal proceedings in the interests of the Council;
- (evii)** the acceptance of tenders for contracts wholly or mainly involving capital expenditure where the **Deputy Chief Executive and City Treasurer** in consultation with the Executive Member

ACCESS TO INFORMATION PROCEDURE RULES

with Portfolio responsibility for ~~for Finance and Human Resources~~, has previously issued formal capital expenditure approval for the scheme;

(~~f~~viii) implementation of a capital project identified in the approved Capital Programme and in respect of which budget approval has been given and the detailed business case (or equivalent) has been approved;

(g) a decision to approve a care plan which the Council has a duty or power to provide as defined by section 25 of the Care Act 2014, section 46 of the National Health Service and Community Care Act 1990 and section 2 of the Chronically Sick and Disabled Persons Act 1970; or sections 17, 20, 25, 31A, 38(6) of the Children Act 1989 and in accordance with the Care Planning, Placement and Case Review (England) Regulations 2010;

(h) an urgent decision necessary out of office hours taken in accordance with the Council's Emergency Management Plan by the Officer acting at Gold level at the relevant time.

16. PUBLICITY AND PROCEDURE IN CONNECTION WITH KEY DECISIONS

16.1 Subject to Rule 17 (General Exception) and Rule 18 (Special Urgency), where a decision-maker intends to make a key decision, that decision must not be made unless at least 28 clear days before it is made -

- (a) a document is published containing the information set out in Rule 16.2; and
- (b) that document is made available at the main office of the Council and published on the Council's website.

16.2 The document published under Rule 16.1 must state -

- (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, that individual's name and title and, where the decision-maker is a body, its name and a list of its Members;
- (d) the date on which, or the period within which, the decision is to be made;

ACCESS TO INFORMATION PROCEDURE RULES

- (e) a list of documents submitted to the decision-maker for consideration in respect of the matter;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies or extracts of any document listed are available;
- (g) that other relevant documents may be submitted to the decision-maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

16.3 The document referred to above must not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant, but should contain particulars of the matter to be decided.

17. GENERAL EXCEPTION

17.1 Subject to Rule 18 (Special Urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, the decision may still be made but only if -

- (a) the City Solicitor has informed the chair of the relevant scrutiny committee or if there is no such person, each Member of that committee by notice in writing, of the matter about which the decision is to be made;
- (b) the City Solicitor has made a copy of that notice available to the public at the main office of the Council, and published it on the Council's website; and
- (c) at least 5 clear days have elapsed since the City Solicitor complied with (a) and (b).

17.2 As soon as reasonably practicable after the City Solicitor has complied with Rule 17.1 (a) and (b), he or she must make available at the main office of the Council a notice setting out the reasons why compliance with Rule 16 is impracticable and publish that notice on the Council's website.

18. SPECIAL URGENCY

18.1. Where the date by which a key decision must be made, makes compliance with Rule 17 impracticable, the decision may only be made where the decision-maker may obtain agreement from -

- (a) the Chair of the relevant scrutiny committee; or
- (b) if there is no such person, or if the chair is unable to act, the Lord Mayor; or

ACCESS TO INFORMATION PROCEDURE RULES

- (c) where there is no chair of the relevant scrutiny committee or Lord Mayor, the Deputy Lord Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

- 18.2 As soon as reasonably practicable after the decision-maker has obtained such agreement under Rule 18.1, the decision-maker must make available at the main office of the Council a notice setting out the reasons that the making of this decision is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

19. REPORTS TO COUNCIL

- 19.1 When a scrutiny committee can require a report

Where an executive decision has been made and -

- (a) was not treated as a key decision, and
- (b) a relevant scrutiny committee are of the opinion that the decision should have been treated as a key decision

that scrutiny committee may require the Executive to submit a report to Council within such reasonable period as the committee may specify, which shall normally be the next scheduled meeting of the Council.

- 19.2 Executive's Report to Council

A report under Rule 19.1 must include details of -

- (a) the decision and the reasons for the decision;
- (b) the decision-maker by whom which the decision was made; and
- (c) if the Executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

- 19.3 Reports on special urgency decisions

The Leader or the City Solicitor will submit reports to the Council on the executive decisions taken in the circumstances set out in Rule 18 (special urgency) in the preceding cycle. The report will include the particulars of decisions so taken and a summary of the matters in respect of which those decisions were taken.

20. PROCEDURES PRIOR TO PRIVATE MEETINGS

ACCESS TO INFORMATION PROCEDURE RULES

- 20.1 The Executive and any committee of the Executive ("the decision-making body") must meet in public except to the extent that the public are excluded under Rule 10.
- 20.2 A "private meeting" means a meeting, or part of a meeting, of the Executive during which the public are excluded.
- 20.3 At least 28 days before a private meeting, the decision-making body or the City Solicitor acting on its behalf, must make available at the main office of the Council and publish on the Council's website a notice of its intention to hold the meeting or part of the meeting in private and a statement of the reasons for the meeting to be held in private.
- 20.4 At least 5 clear days before a private meeting, the decision-making body or the City Solicitor acting on its behalf, must make available at the main office of the Council and publish on the Council's website a notice which must include -
- (a) a statement of the reasons for the meeting to be held in private;
 - (b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
 - (c) a statement of its response to any such representations.
- 20.5 Where the date by which a meeting must be held makes compliance with these procedures impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from -
- (a) the chair of the relevant scrutiny committee; or
 - (b) if there is no such person, or if the chair is unable to act, the Lord Mayor; or
 - (c) where there is no chair or Lord Mayor, the Deputy Lord Mayor
- that the meeting is urgent and cannot reasonably be deferred.
- 20.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 20.5 to hold a private meeting, it must make available at the main office of the Council, and publish on the Council's website, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

21. RECORDING OF EXECUTIVE DECISIONS MADE AT MEETINGS

- 21.1 As soon as reasonably practicable after any meeting of the Executive or a committee of the Executive at which an executive decision was made, the City Solicitor must ensure that a written statement is produced for every executive decision made which includes the following information -

ACCESS TO INFORMATION PROCEDURE RULES

- (a) a record of the decision and the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected;
 - (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.
- 21.2 Any written statement produced in accordance with this Rule, and any report considered by the Executive or a committee of the Executive relevant to a decision will be available for public inspection at the main office of the Council and on the Council's website.
- 21.3 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

22. RECORDING OF EXECUTIVE DECISIONS MADE BY INDIVIDUALS

- 22.1 As soon as reasonably practicable after an individual Member has made an executive decision, that Member must produce or instruct the City Solicitor to produce a written statement of that executive decision which includes the information specified in Rule 22.3.
- 22.2 As soon as reasonably practicable after an Officer has made a decision which is an executive decision, the Officer must produce a written statement including the information specified in Rule 22.3.
- 22.3 The statement referred to in Rule 22.1 and 22.2 should 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 when making the decision;
 - (d) a record of any conflict of interest declared by any Executive Member who is consulted by the Member or Officer which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.
- 22.4 Any written statement produced in accordance with this Rule, and any report considered by the individual Member or Officer relevant to a

ACCESS TO INFORMATION PROCEDURE RULES

decision will be available for public inspection at the main office of the Council and on the Council's website.

22.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

23. RECORDING OF NON-EXECUTIVE DECISIONS MADE BY INDIVIDUALS

23.1 As soon as reasonably practicable after an Officer has made a non-executive decision of the type in Rule 23.2, the Officer must produce a written statement including the information specified in Rule 23.3.

23.2 The non-executive decisions referred to in Rule 23.1 are those taken:

- (a) under a specific express authorisation; or
- (b) under a general authorisation 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 materially affects the Council's financial position.

23.3 The statement referred to in Rule 23.1 should 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 when making the decision;
- (d) where the decision is taken under a specific express authorisation, the name of any member of the Council who has declared a conflict of interest in relation to the decision.

23.4 Any written statement produced in accordance with this Rule will be available for public inspection at the main office of the Council and on the Council's website.

23.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

24. SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

24.1 Rights to copies

Subject to Rule 24.3, a member of a scrutiny committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to: -

ACCESS TO INFORMATION PROCEDURE RULES

- (a) any business transacted at a meeting of the Executive or its committees; or
- (b) any decision taken by an individual member of the Executive; or
- (c) any decision made by an Officer in accordance with executive arrangements.

24.2 Where a member of a scrutiny committee requests a document under Rule 24.1, the Executive must provide the document as soon as reasonably practicable and in any case no later than 10 clear working days after the Executive receives the request.

24.3 Limit on rights

A member of a scrutiny committee will not be entitled to:-

- (a) any document that is in draft form;
- (b) any document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or any review contained in the committee's programme of work; or
- (c) any document containing the advice of a political adviser or assistant.

24.4 Where the Executive determines that a member of a scrutiny committee is not entitled to a copy of a document requested, it must provide the scrutiny committee with a written statement setting out its reasons for that decision.

25. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS – THE EXECUTIVE

25.1 Subject to Rule 25.3, any document which -

- (a) is in the possession or under the control of the Executive; and
- (b) contains material relating to any business to be transacted at a public meeting,

must be available for inspection by any member of the Council for at least 5 clear days before the meeting except that -

- (i) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (ii) where an item is added to the agenda at shorter notice, such a document must be available when the item is added to the agenda.

ACCESS TO INFORMATION PROCEDURE RULES

- 25.2 Subject to Rule 25.3, 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 an individual Member in accordance with executive arrangements, or
 - (c) any decision made by an Officer in accordance with executive arrangements,

must be available for inspection by any Member of the Council when the meeting concludes or, where an executive decision is made by an individual Member or Officer, immediately after the decision has been made, and in any event no later than 24 hours after the conclusion of the meeting or the decision being made.

- 25.3 Rules 25.1 and 25.2 do not require a document to be available for inspection if -
- (a) it contains advice provided by a political adviser or assistant, or
 - (b) it appears to the City Solicitor to disclose exempt information under paragraphs 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4).
 - (c) it appears to the City Solicitor to disclose exempt information under paragraph 3 of Schedule 12A, but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the cause of negotiations for a contract.

[NB: documents containing exempt information by virtue of paragraph 3 (where 25.3 (c) does not apply) and paragraph 6 of Schedule 12A will be available under this Rule]

- 25.4 The above rights are in addition to any other right that a Member of a local authority may have.

25A. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS – THE COUNCIL

- 25A.1 Any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee of the Council shall be open to inspection by any Member of the Council.
- 25A.2 Rule 25A.1 above does not require the document to be open to inspection if it appears to the City Solicitor that it discloses exempt information. This Rule 25A.2 does not apply where the exempt information is information of a description for the time being falling within—

ACCESS TO INFORMATION PROCEDURE RULES

- (a) paragraph 3 of Schedule 12A of the Local Government Act 1972 (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or
- (b) paragraph 6 of Schedule 12A of the Local Government Act 1972.

26. RIGHTS OF MEMBERS - “NEED TO KNOW”

- 26.1 In addition, Members will be entitled to access to documents and to attend the confidential part of meetings of Committees and sub-committees and public meetings of the Executive (even though they are not a member of those bodies) where they can demonstrate a “need to know” in order to perform their duties as Members.
- 26.2 Subject to Rule 26.3 below, the circumstances where a “need to know” will be treated as arising will include -
- (a) Where the matter relates to a sub-committee of a committee of which the Member is a member;
 - (b) Where the matter relates to a committee of the executive where the Member is an executive member;
 - (c) Where the matter is within the remit of a scrutiny committee of which the Member is a member;
 - (d) Where the full Council is required to approve the decisions or recommendations of committees, sub-committees or the Executive;
 - (e) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole Council;
 - (f) Where the matter relates specifically to a Member’s own ward;
 - (g) Where a Member is minded to sign a requisition under Council Procedure Rule 9 in relation to the matter.
- 26.3 There will not be a “need to know” if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.
- 26.4 A Member wishing to see confidential or exempt Council, Committee, sub-committee or executive documents or to attend the confidential part of a meeting should make written application to the City Solicitor, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform their/his/her duties.

ACCESS TO INFORMATION PROCEDURE RULES

- 26.5 Where access to documents or a meeting is refused by the City Solicitor, there will be a right of appeal to the relevant body.
- 26.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.