

**SCHEDULE 2 ACCESS TO INFORMATION PROCEDURE RULES**

**APPENDIX 2**

These rules implement the requirements of Sections 100 A – K at Schedule 12A of the Local Government Act 1972; Section 9G and 1GA of the Local Government Act 2000, ~~and The Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012~~ and The Openness of Local Government Bodies Regulation 2014.

**1 SCOPE**

These rules apply to all meetings of the Council, overview and scrutiny committees and Regulatory Committees (together called meetings). Rules 12 – 16 apply to meetings of the Executive.

**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 3.1~~ to the exceptions in these rules, Rule 4.20, Rule 4.23 of the Council's Procedure Rules and Rules 14 and 16 of Schedule 1 – non Regulatory Committee Procedure 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 its main offices and publishing it on the Council's website.

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

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at its main offices at least five clear days before the meeting and the Council's website.

Formatted: Bullets and Numbering

5.2 If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection ~~for the time when~~ the item ~~is~~ was added to the agenda.

Formatted: Indent: Left: 0.99 cm

Formatted: Bullets and Numbering

5.3 ~~Where the meeting is convened at shorter notice a copy of the agenda and associated reports will be available for inspection when the meeting is convened.~~

Formatted: Bullets and Numbering

~~5.4~~ 5.4 If the Chief Executive thinks fit, there may be excluded from any agenda the whole or any part of a report, any matter which in the Chief Executives opinion is likely to be "Confidential Information" and/or "Exempt Information"

Formatted: Indent: Left: 0.99 cm

Formatted: Bullets and Numbering

**6 SUPPLY OF COPIES**

The Council will supply copies of:

6.1 ~~any agenda and reports which are open to public inspection; Except during any part of a meeting during which the public are excluded, the Council will make available for the~~

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

6.2 ~~any further statements or particulars necessary to indicate the nature of the items in the agenda; and~~ Subject to any 'Confidential Information' and/or 'Exempt Information' following a request by a member of the public or on behalf of a newspaper, and on payment being made of postage, copying or other necessary charge for transmission, the Council will supply to that person or newspaper

**Formatted:** Tab stops: 1.98 cm, List tab + Not at 2.26 cm

6.2.1 a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meetings;

**Formatted:** Indent: Hanging: 1.29 cm

6.2.2 Each further statements or particulars, as are necessary to indicate the nature of the items contained in the agenda and

**Formatted:** Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0.66 cm + Tab after: 1.93 cm + Indent at: 1.93 cm

6.2.3 if the Chief Executive thinks fit in the case of any item a copy of any other documents supplied to Councillors in connection with the item.  
~~if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.~~

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 0.66 cm

**Formatted:** Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0.66 cm + Tab after: 1.93 cm + Indent at: 1.93 cm

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 1.93 cm

**Formatted:** Indent: Left: 0.66 cm

## 7 ACCESS TO MINUTES ETC AFTER THE MEETING

As soon as reasonably practicable after any meeting of the Cabinet, or its Committees & Joint Committees at which an Executive Decision or delegated decision by an Officer, Monitoring Officer or person writing on their behalf, and make available copies of the following will be made available for six years after a meeting. The Council will make available copies of the following for six years after a meeting  
:

7.1 the minutes of the meeting or records of decisions taken, together with reasons, any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

**Formatted:** Tab stops: 1.98 cm, List tab + Not at 2.26 cm

7.2 a record of any conflict of interest relating to the matter decided which is declared by any member or a note of any dispensation granted by the Chief Executive

**Formatted:** 02-NormInd2-BB, No bullets or numbering

**Formatted:** 02-NormInd2-BB, Indent: Left: 0.66 cm, Hanging: 1.32 cm, No bullets or numbering

7.27.3 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;

**Formatted:** Indent: Left: 0.66 cm, Hanging: 1.32 cm, No bullets or numbering

7.37.4 the agenda for the meeting; and

**Formatted:** Bullets and Numbering

7.47.5 reports relating to items when the meeting was open to the public.

**Formatted:** Indent: Left: 0.66 cm, No bullets or numbering

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 0.66 cm, No bullets or numbering

**Formatted:** Bullets and Numbering

## 8 BACKGROUND PAPERS

### 8.1 List of background papers

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and

8.1.2 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).

## 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 must be kept at and available to the public at Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ.~~

Formatted: Bullets and Numbering

### ~~10~~ **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

#### ~~10.19.1~~ **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.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

#### ~~10.29.2~~ **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.

Formatted: Bullets and Numbering

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.

#### ~~10.39.3~~ **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 Court Order.

Formatted: Bullets and Numbering

#### ~~10.49.4~~ **Meaning of exempt information**

Exempt information means information falling within the following 10 categories (subject to any condition):

Formatted: Bullets and Numbering

### **PART 1 DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND**

1	Information relating to any individual.
2	Information which 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).

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  (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.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**PART 2  
QUALIFICATIONS: ENGLAND**

8	Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under  (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 Industrial and Provident Societies Acts 1965 to 1978;  (e) the Building Societies Act 1986; or  (f) the Charities Act 1993.
9	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	Information which

	<p>(a) falls within any of paragraphs 1 to 7 above; and</p> <p>(b) is not prevented from being exempt by virtue of paragraph 8 or 9 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.</p>
--	---

**11.10 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in 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. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

**Formatted:** Bullets and Numbering

**11 DEFINITIONS**

**11.1 Executive Decisions**

Is any decision made or to be made in connection with the discharge of a function which is the responsibility of the Executive of the Council but does not include purely administrative decisions.

**Formatted:** Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 1.27 cm + Indent at: 1.27 cm, Tab stops: 0.66 cm, List tab + Not at 1.27 cm

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 4.4 cm

**Formatted:** Indent: Left: 0.66 cm, Hanging: 3.74 cm

**Formatted:** Font: Bold

**Formatted:** Font: Bold

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 4.4 cm

**Formatted:** Indent: First line: 0 cm, Tab stops: 1.65 cm, Left + Not at 7.07 cm

**11.2 Key Decisions**

(i) Key decision means any decision to spend or forego income or raise additional income which is significant having regard to the Council's budget for the service or function to which the decision relates. For the purposes of this paragraph the Council interprets as "significant" any decision to spend or forego income or raise additional income exceeding £100,000 in one financial year. For any amounts between £50,000 and £100,000 compliance must be in accordance with Financial Guidance

or

any decision that has a significant affect on two or more wards. For the purposes of this paragraph the Council interprets as "significant" any proposal which will make a substantial physical alteration to the appearance of the area of two or more wards, or any proposal which will substantially alter the level of a Council service given to people who live or work in the area.

**Formatted:** Bullets and Numbering

**Formatted:** 02-NormInd5-BB, No bullets or numbering

**Formatted:** 02-NormInd5-BB, Indent: Hanging: 5.42 cm, No bullets or numbering

**Formatted:** Indent: Left: 1.65 cm

**11.3 Delegated Decision by an Officer**

Is a decision which would otherwise have been taken by the Council, or a Committee, sub-Committee or joint Committee of the Council, but it has been delegated to an officer at the Council either

**Formatted:** Font: Bold

**Formatted:** Indent: Left: 1.65 cm, First line: 3.43 cm

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 4.4 cm

**Formatted:** Indent: Left: -1.1 cm, Hanging: 2.75 cm

11.3.1 under a specific express authorisation; or

**Formatted:** Bullets and Numbering

11.3.2 under a general authorisation to take such decisions and the effect or the decision is to:

11.3.2.1 grant a permission or licence;

11.3.2.2 affect the rights of an individual; or

11.3.2.3 award a contract or views expenditure which fulfils the definition a key decision

**Formatted:** Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2.04 cm + Tab after: 3.31 cm + Indent at: 3.31 cm

## 12 EXECUTIVE MEETINGS

### 12.1 Notice of Private Meetings of the Executive

When the public are to be excluded from a meeting, or part of a meeting of the Cabinet or its committees a notice of intention to hold a meeting in private will be published on the Council's website at least 28 clear days before the date of the private meeting. The notice will also be made available at the Council offices. The notice will state the reasons why the meeting is to be held in private and how to make representations about holding the meeting in public.

At least five days before the meeting a further notice will be published of the intention to hold a private meeting. This notice will include a statement of the reasons why the meeting is to be held in private, details of any representations made about holding the meeting in public, and the response to those representations.

### 12.2 Urgent Private Meetings of the Executive

If the urgency of a decision makes compliance with rule ~~11~~2.1 impracticable, the decision maker or decision making body will seek agreement from the Chairman of the relevant Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. In the absence of the Chairman of the Overview and Scrutiny Committee, the Mayor shall be asked for their agreement and, in their absence, the Deputy Mayor. If agreement is granted, a notice will be published on the Council's website and made available at the Council offices setting out why the meeting is urgent and cannot reasonably be deferred.

## 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:

~~13.1~~13.1 a Notice (called here a Key Decision Notice) has been published in connection with the matter in question;

~~13.2~~13.2 at least 28 clear days before the date when the decision is to be taken; and

~~13.3~~13.3 where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 47 (notice of and summons to meetings).

**Formatted:** Tab stops: 0.66 cm, List tab + Not at 1.27 cm

**Formatted:** Indent: Left: 0.68 cm

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 0.68 cm

**Formatted:** Bullets and Numbering

**Formatted:** Indent: Left: 0.68 cm

**Formatted:** Bullets and Numbering

## 14 THE FORWARD PLAN

### 14.1 Period of forward plan

**Formatted:** Tab stops: 1.98 cm, List tab + Not at 2.26 cm

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

## 14.2 Content of forward plan

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

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

A Key Decision Notice will contain details of:

- 14.2.1 the matter in respect of which a decision is to be made;
- 14.2.2 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;
- 14.2.3 the date on which, or the period within which, the decision will be taken;
  - (a) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (b) the means by which any such consultation is proposed to be undertaken;
  - (c) the steps any person might take who wishes to make representations to the Executive 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; and
  - (d) a list of the documents submitted to the decision taker for consideration in relation to the matter.

Formatted: Tab stops: 4.95 cm, List tab + Not at 5.67 cm

Formatted: Tab stops: 4.95 cm, List tab + Not at 5.67 cm

Formatted: Tab stops: 4.95 cm, List tab + Not at 5.67 cm

Formatted: Tab stops: 4.95 cm, List tab + Not at 5.67 cm

~~14.2.4~~ The forward plan will be published at least 744 days before the start of the period covered. ~~The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:~~

Formatted: Bullets and Numbering

~~(a) that key decisions are to be taken on behalf of the Council;~~

~~(b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;~~

Formatted: Bullets and Numbering

~~(c) that the plan will contain details of the key decisions to be made for the four month period following its publication;~~

Formatted: Bullets and Numbering

~~(d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices; a list of the documents submitted to the decision taker for consideration in relation to the matter and how to obtain copies of such documents;~~

Formatted: Bullets and Numbering

~~(e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decision on the plan;~~

Formatted: Bullets and Numbering

~~(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;~~

Formatted: Bullets and Numbering

~~(g) a statement that other documents may be taken into account by the decision taker and how to obtain copies of any such documents;~~

Formatted: Bullets and Numbering

~~(h) the procedure for requesting details of documents (if any) as they become available; and~~

Formatted: Bullets and Numbering

~~(i)(e) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.~~

Formatted: Bullets and Numbering

~~14.2.5~~ 14.2.4 Exempt information need not be included in a forward plan and confidential information cannot be included.

Formatted: Bullets and Numbering

## 15 GENERAL EXCEPTION – URGENT BUSINESS

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

15.1 Subject to Rule 16, where a matter which is a Key Decision requires an urgent decision and the required 28 days notice has not been given, the decision may still be taken if:

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

15.1.1 the Chairman of the Overview and Scrutiny Committee, or, if there is no such person, each member of the Overview and Scrutiny Committee, has been informed by notice in writing of the matter about which the decision is to be made;

15.1.2 a Key Decision Notice has been published and made available for inspection by the public; and

15.1.3 five clear days have elapsed following the day on which the Key Decision Notice was published and made available.

## 16 SPECIAL URGENCY

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

If by virtue of the date by which a decision must be taken Rule 15 (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 the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred. If the Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor will suffice, or, in the absence of the Mayor, the agreement of the Deputy Mayor.

## 17 REPORT TO COUNCIL

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

### 17.1 When an overview and scrutiny committee can require a report

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

If an overview and scrutiny committee thinks that a key decision has been taken which was not:

- 17.1.1 included in the forward plan; or
- 17.1.2 the subject of the general exception procedure; or
- 17.1.3 the subject of an agreement with a relevant overview and scrutiny committee chairman, or the chairman/vice chairman of the Council under Rule 16;

the committee may require the executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the committee when so requested by (the chairman or any five members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

**17.2 Executive's report to Council**

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

The executive 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 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

**17.3 ~~Quarterly~~Executive reports on special urgency decisions**

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

In any event the Leader will submit ~~quarterly where required a~~ reports to the ~~next meeting of the~~ Council on the 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.

**17.4 The Leader of the Council is required to submit at least one report under paragraph 17.3 annually.**

Formatted: Indent: Left: 0.68 cm

Formatted: Indent: Left: 0 cm

**18 RECORD OF DECISIONS**

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

After any meeting of the executive or any of its committees, whether held in public or private, the Chief Executive or monitoring officer or person acting on their behalf will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**19 EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

The executive will decide whether meetings relating to matters which are not key decisions will be held in public or private in accordance with the requirements of the legislation.

**20 NOTICE OF PRIVATE MEETING OF THE EXECUTIVE**

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

Members of the executive or its committees will be entitled to receive three clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## 21 ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

21.1 All members of the executive will be served notice of all private meetings of committees of the executive, whether or not they are members of that committee.

21.2 All members of the executive are entitled to attend a private meeting of an executive committee although they may not speak unless the members of the committee/sub-committee agree.

21.3 Notice of private meetings of the executive and its committees will be served on the chairmen of all overview and scrutiny committees and sub-committees, at the same time as notice is served on members of the executive. Where an overview and scrutiny committee does not have a chairman, the notice will be served on all the members of that committee.

21.4 Where a matter under consideration at a private meeting of the executive, or a committee of it, is within the remit of an overview and scrutiny committee/sub-committee, the chairman of that committee or in his/her absence the vice chairman may attend that private meeting with the consent of the person presiding, though not speak unless those present agree.

21.5 The head of the paid service, the monitoring officer and the chief financial officer, and their nominees are entitled to attend any meeting of the executive and its committees.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

## 22 DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

### 22.1 Reports intended to be taken into account

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

Where an individual member of the executive receives a report which s/he intends to take into account in making any key decision, then s/he will not make the decision until at least three clear days after receipt of that report.

### 22.2 Provision of copies of reports to overview and scrutiny committees

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

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 committee as soon as reasonably practicable, and make it publicly available at the same time.

### 22.3 Record of individual decision

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

As soon as reasonably practicable after any Executive decision has been taken by an individual Member or after a Key Decision has been taken by an officer he or she will instruct the Chief Executive/Monitoring Officer-Officer or person acting on their behalf to prepare a record of the decision, a statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any

Executive Member and in respect of any declared conflict of interest, a note of dispensation granted by the Councils Chief Executive.

#### 22.4 Nature of rights

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

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

#### 22.5 Rights of Members to attend meetings when exempt information is being considered

All Members are entitled to attend a meeting of the Council or its committees or sub committees, where they are not an ordinary member, when exempt information is being considered. Exceptions to this entitlement will be made at the discretion of the respective Chairman and/or the Chief Executive or the Solicitor to the Council and Monitoring Officer depending on the nature of the exempt information, for example staffing issues, licensing appeals and standards and ethics issues.

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

### 23 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

#### 23.1 Material relating to business to be transacted at a public meeting of the Executive

All members of the Council will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting, and any such document must be available for inspection for at least five clear days before the meeting.

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

#### 23.2 Other Material relating to business transacted

All members of the Council will be entitled to inspect any document which is in the possession or under the control of Executive and contains material relating to any business transacted at a private meeting of Executive, or any decision made by an individual Executive member or an officer, within 24 hours after the meeting concludes or after the decision has been made.

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

#### 23.3 Exceptions

However, a document is not required to be available for inspection under Rule 23.1 or 23.2 if it contains exempt information as set out in Schedule 12A of the Local Government Act 1972, unless the information falls within paragraph 3 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of contract negotiations), or paragraph 6 of Schedule 12A. A document is not required to be available for inspection if advice provided by a political adviser or assistant would be disclosed.

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

#### 23.4 Nature of Rights

These rights of a member are additional to any other right they may have in statute or at common law.

Formatted: Tab stops: 1.98 cm, List tab + Not at 2.26 cm

## 24 OVERVIEW AND SCRUTINY'S ACCESS TO DOCUMENTS

Formatted: Tab stops: 0.66 cm, List tab + Not at 1.27 cm

24.1 Within 10 clear days of so requesting, an Overview and Scrutiny Committee or any member of the Overview and Scrutiny Committees (including task groups) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:

24.1.1 any business that has been transacted at a meeting of a decision-making body of the Council;

24.1.2 any decision that has been made by an individual Executive Member in accordance with executive arrangements; or

24.1.3 any decision that has been made by an officer of the Council in accordance with executive arrangements except for documents, or parts of documents, which contain:

(a) advice provided by a political adviser; or

Formatted: Tab stops: 4.95 cm, List tab + Not at 5.67 cm

(b) exempt or confidential information, unless that information is relevant to:

Formatted: Tab stops: 4.95 cm, List tab + Not at 5.67 cm

(i) any action or decision that the Member is reviewing or scrutinising; or

Formatted: Tab stops: 6.27 cm, List tab + Not at 7.07 cm

(ii) any review contained in the work programme of the Overview and Scrutiny Committee.

Formatted: Tab stops: 6.6 cm, List tab + Not at 7.07 cm

Overview and Scrutiny will not be entitled to any document which is in draft form.

Where the Executive determines that a member of an Overview and Scrutiny committee is not entitled to a copy of a document or part of a document for a reason set out in (a) or (b) above, it will provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.