

## **B. Access to Information Procedure Rules**

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## **1. Scope**

These rules apply to all meetings of the Council, the Cabinet, committees, sub-committees and joint committees (if any), The Licensing Committee has resolved to adopt the rules for the purpose of its meetings, but separate proceedings shall apply to the hearings of its sub-committees. It is a matter for advisory groups to determine to what extent the public shall be excluded from their meetings.

## **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 and Speak at Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.2 Public speaking at meetings of the Cabinet, scrutiny and overview committees or other committees shall operate in accordance with the Public Speaking Scheme agreed by the Civic Affairs Committee and reviewed by that committee from time to time.
- 3.3 Public speaking at meetings of the Planning Committee shall operate in accordance with the scheme agreed by the Planning Committee and reviewed by that committee from time to time.
- 3.4 Subject to Rule 10, a UNISON representative, acting as such, may attend any meeting of the Cabinet or committee of the Cabinet. At the discretion of the Leader, or other person presiding at the meeting, he or she may speak at the meeting on any matter relevant to officers of the Council.

## **4. Notices of Meeting**

The Council shall give at least five clear days' notice of any meeting by posting details of the meeting at all offices of the Council and on the Council's web site, [www.scamb.gov.uk](http://www.scamb.gov.uk).

## **5. Access to Agenda and Reports before the Meeting**

The Council shall make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council's web site at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to councillors) shall be open to inspection from the time the item was added to the agenda.

## **6. Supply of Copies**

6.1 The Council shall 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;
- (c) any written record of executive decisions;
- (d) any background papers; and
- (e) if the proper officer 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.

## **7. Access to Minutes etc after the Meeting**

7.1 The Council shall 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, for all meetings of the Cabinet, 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**

The proper officer shall set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of Cabinet reports, the advice of a political advisor.

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

The Council shall 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**

These Access to Information Procedure Rules are the Council's written summary of the public's rights to attend meetings and to inspect and copy documents. They are available for public inspection, together with the whole Constitution, at South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB3 6EA and on the Council's website, [www.scambs.gov.uk](http://www.scambs.gov.uk).

## **10. Exclusion of Access by the Public to Meetings**

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

The public shall 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 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 shall be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## 10.3 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 any enactment or Court Order.

## 10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any relevant conditions) 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:-

Paragraph No.	Category	Condition
1.	Information relating to any individual	None specified
2.	Information which is likely to reveal the identity of an individual	None specified
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under: <ul style="list-style-type: none"> <li>3.1 the Companies Act 1985</li> <li>3.2 the Friendly Societies Act 1974</li> <li>3.3 the Friendly Societies Act</li> </ul>

		<p>1992</p> <p>3.4 the Industrial and Provident Societies Acts 1965 to 1978</p> <p>3.5 the Building Societies Act 1986</p> <p>3.6 the Charities Act 1993</p>
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.	None specified
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	None specified
6.	<p>Information which reveals that the authority proposes:</p> <p>6.1 to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>6.2 to make an order or direction under any enactment.</p>	None specified
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	None specified

Information is not exempt information if it relates to any 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.

## **11. Exclusion of Access by the Public to Reports**

If the proper officer thinks fit, the Council may exclude access by the public to reports which, in their opinion, relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports shall be marked "Not for publication" together with the category of information likely to be disclosed.

## **12. Application of Rules to the Cabinet**

Rules 13 - 23 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (Key Decision - General Exception) or Rule 16 (Key Decision - Special Urgency) applies. A **key decision** is as defined in Article 13.3(b) of this Constitution.

## **13. Procedure Prior to Private meetings of the Cabinet**

13.1 At least 28 clear days before a private meeting of the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, area committees or under joint arrangements, the decision maker must make available and publish on the Council's website a notice including a statement of the reasons for the meeting, or part of the meeting, to be held in private. For ease of reference this notice shall be incorporated into the Notice of Key Decisions.

13.2 At least five clear days before the meeting, a further notice shall be published which shall include details of any representations made to the decision-maker about reasons given for the likely public exclusion and the response of the decision-maker to such representations. For ease of reference, this notice shall be incorporated into the agenda for the meeting in question.

## **14. Procedure Before Taking Key Decisions**

14.1 Subject to Rule 15 (Key Decisions – General Exception) and Rule 16 (Key Decisions - Special Urgency), a key decision shall not be taken unless:

- (a) a notice (called the "Notice of Key Decisions") has been published in connection with the matter in question at least 28 clear days before the decision is to be taken, setting out:

- (i) the matter in respect of which the decision is to be made;
  - (ii) where the decision maker is an individual, that individual's name and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
  - (iii) the date on which, or the period within which, the decision is to be made; and
  - (iv) a list of the documents submitted to the decision maker for consideration in relation to the matter, including details of where they are to be made available for public inspection and how to request details of those documents.
- (b) 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 (Notices of Meetings).

14.2 The Notice of Key Decisions shall be prepared on a monthly basis by the Leader of the Council and shall contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, area committees or under joint arrangements during the period covered by the notice. The notice shall be available for inspection at the Council's offices and published on its website.

14.3 Notices shall not include any exempt or confidential information.

## **15. Key Decisions - General Exception**

If a matter which is likely to be a key decision has not been included in the Notice of Key Decisions for at least 28 clear days before the date on which the decision is to be taken then, subject to Rule 16 (Key Decisions - Special Urgency), the decision may still be taken if:

- (a) the proper officer has informed the chair of the relevant scrutiny and overview committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (b) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website, [www.southcamb.gov.uk](http://www.southcamb.gov.uk); and
- (c) at least five clear days have elapsed since the proper officer complied with (a) and (b) above.

## **16. Key Decisions - Special Urgency**

### **16.1 Key Decisions**

If by virtue of the date by which a decision must be taken Rule 15 (Key Decisions - General Exception) cannot be followed, then the decision may only be taken if agreement has been obtained from the chair of the relevant scrutiny and overview committee that the taking of the decision cannot be reasonably deferred. If there is no chair of the scrutiny and overview committee, or if they are unable to act, then the agreement of the Chair of the Council, or in their absence, the Vice-Chair shall suffice.

### **16.2. Matters to be considered in private**

Where it is impracticable to comply with the 28 day notice requirements set out in Rule 13 (Procedure Prior to Private Meetings of the Cabinet), the meeting may only be held in private where agreement has been obtained from the chair of the relevant scrutiny and overview committee that the meeting is urgent and cannot reasonably be deferred. If there is no chair of the scrutiny and overview committee, or if they are unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair shall suffice.

In the case of both key decisions and matters to be considered in private, as soon as the decision-maker has obtained agreement, the proper officer shall make a copy of a notice available to the public at the offices of the Council and on the Council's website, [www.scams.gov.uk](http://www.scams.gov.uk), setting out the reasons why the decision is urgent and cannot be reasonably deferred.

## **17. Report to Council**

### **17.1 When a Scrutiny and Overview Committee can require a report**

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

- (a) included in the Notice of Key Decisions;
- (b) the subject of the General Exception Procedure (Rule 15);
- (c) the subject of an agreement with the relevant overview and scrutiny committee chair or the Chair of the Council or the Vice Chair of the Council, under the Special Urgency Procedure (Rule 16)

the committee may require the Leader of the Council, or the executive decision-maker, to submit a report to the Council. The scrutiny and overview committee may, by resolution, request such a report, but the proper officer

shall also require a report when so requested by the Chair or five members of the relevant scrutiny and overview committee.

### **17.2 Cabinet's report to Council**

The Cabinet shall 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 resolution of the committee or request, then the report may be submitted to the meeting after that. The report to Council shall 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 reports on special urgency decisions**

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

## **18. Recording and Publication of Decisions**

18.1 After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, shall produce a written record of every decision taken at that meeting as soon as practicable, which shall include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-maker at the meeting at which the decision was made;
- (d) a record of any interest relating to the matter decided which is declared by any member of the decision-making body; and
- (e) in respect of declarations of interest, a note of any dispensations granted.

18.2 When a decision is made by an individual member of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet, the proper officer shall be instructed to produce a written statement of the decision as soon as practicable, which shall include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-maker when making the decision;
- (d) a record of any declarations of interest relating to the decision which have been made by any member of the Cabinet who is consulted by the decision-maker; and
- (e) in respect of declarations of interest, a note of any dispensations granted.

18.3 The record in 18.1 and 18.2 shall specify that the decision shall come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 13 of the Scrutiny and Overview Procedure Rules.

## **19. Notice of Meeting of the Cabinet**

Members of the Cabinet, or its committees, shall be entitled to receive five 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.

## **20. Attendance at Meetings of the Cabinet**

20.1 A councillor may attend and may speak at any meeting of the Cabinet, any committee or group of the Cabinet or of an individual member of the Cabinet where a matter on the agenda for that meeting is stated to relate specifically to their Ward.

20.2 Any other councillor may be invited by the Cabinet or any committee or group of the Cabinet to attend any meeting on any issue.

## **21. Decisions by Individual Members of the Cabinet**

### **21.1 Decision-making**

Decisions taken by individual members of the Cabinet at a meeting shall be made in public, except where the provisions of Rule 10 (Exclusion of Access by the Public to Meetings) apply.

## **21.2 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, they shall prepare, or instruct the proper officer 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 (access to minutes etc after meetings) shall also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information. Records prepared and any reports considered shall be published on the Council's website.

## **22. Scrutiny and Overview Committee Access to Documents**

### **22.1 Rights to copies**

Subject to Rule 22.3 below, a relevant scrutiny and overview committee (including its sub-committees) shall be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

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

22.2 The Cabinet must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after the request has been received by the Cabinet.

### **22.3 Limit on rights**

A scrutiny and overview committee shall not be entitled to:

- (a) any document that is in draft form;
- (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; and
- (c) any document or part of a document containing the advice of a political adviser.

## **23. Additional Rights of Access for Members**

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

All members are entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless it appears to the Monitoring Officer that it discloses exempt information:

- (a) as described in categories 1, 2, 4, 5 or 7 of Part 1 of Schedule 12A of the Act; or
- (b) relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
- (c) involving the disclosure of advice provided by a political advisor or assistant.

Exempt information as described in category 3 (except to the extent described in 23.1(b) above) or category 6 of Part 1 of Schedule 12A is open to inspection by members.

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

All members of the Council shall 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 (a) or (b) above applies.

### **23.3 Nature of rights**

These rights of a member are additional to any other right they may have.