

Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, Scrutiny and Overview Committee, area and joint committees (if any), the Civic Affairs Committee, Portfolio Holder meetings and regulatory committees and public meetings of the Executive (together called meetings). It is a matter for advisory groups to determine to what extent the public should be excluded from group meetings. Whilst these Rules do not apply to advisory group meetings the Council will have regard to paragraphs 4 – 8 of these Rules and the general desirability of openness.

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

- Members of the public may attend all meetings subject only to exclusions set out in Rule 10 (~~confidential and exempt information~~Exclusion of Access by the Public to Meetings) or where an Advisory Group has determined that its meetings should not be open to the public.
- At the discretion of the Chairman of the Council, Cabinet or Scrutiny and Overview Committee, members of the public may ask questions at those meetings.
- At the discretion of the Chairman, members of the public may make a further statement at Scrutiny and Overview Committee meetings on matters relevant to that committee.
- Guidelines for members of the public wishing to speak at Scrutiny and Overview Committee are set out in Part 5 – Codes and Protocols; these guidelines may be changed at any time by the Scrutiny and Overview Committee.
- Members of the public shall be entitled to speak at meetings of the Planning Committee in accordance with a scheme agreed by the Council and reviewable by the committee as appropriate.

Subject to Rule 10, a UNISON representative, acting as such, may attend any meeting of the Executive or committee of the Executive. ~~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 will 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.scambs.gov.uk.

5. Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office 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 designated officer 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 the item was added to the agenda.

6. Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- ~~(b)~~ (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- ~~(c)~~ (c) any written record of executive decisions;
- ~~(d)~~ (d) any background papers; -and-

- (e) ~~(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.~~
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7. Access to Minutes etc after the Meeting

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all 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.

8. Background Papers

8.1 List of background papers

The proper officer 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:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- ~~(b) which have been relied on to a material extent in preparing the report~~ but do 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 advisor.
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8.2 Public inspection of background papers

The Council will make available for public inspection for ~~six~~four years after the date of the meeting one copy of each of the documents on the list of background papers. One copy of each of the documents will be retained for this purpose and will also be available on the Council's website, www.scambs.gov.uk.

9. Summary of Public's Rights

These Access to Information Procedure Rules are the Council's~~A~~ 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.~~must be kept at and available to the public at the Council's offices.~~

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 Exempt information – discretion to exclude public

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

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

10.3 Meaning of 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):

	Category	Condition
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)	Information is not exempt information if it is required to be registered under: (a) the Companies Act 1985 (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 (f) the Charities Act 1993
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.	
8. (7A)	Information which is subject to any obligation of confidentiality.	Relates to meetings of Civic Affairs Committee / sub-committee convened to consider a matter referred under the provisions of paragraph 10 of the Schedule
9. (7B)	Information which relates in any way to matters concerning national security	Relates to meetings of Civic Affairs Committee / sub-committee convened to consider a matter referred under the provisions of paragraph 10 of the Schedule
10. (7C)	The deliberations of the Civic Affairs committee or a sub-committee of the Civic Affairs committee reaching any finding on a matter referred under the provisions of The Localism Act 2011 in relation to the Code of Conduct. .	

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which:

- (a) falls within any of categories 1 to 10 (7C) above; and
- (b) is not prevented from being exempt by virtue of the conditions attached to paragraph 3 or regulation 3 of the Town and Country Planning General Regulations 1992

is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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 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.

12. Application of Rules to the Executive

Rules 13 - 24 apply to the Executive and its committees. If the Executive or its committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies. A key decision is as defined in Article 13.03 of this Constitution.

13. Procedure Before Taking Key Decisions

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

- (a) ~~a notice (called here a forward plan) has been published~~ in connection with the matter in question has been published at least 28 clear days before the decision is to be taken, setting out: -
 - the matter in respect of which the decision is to be made;
 - 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;
 - the date on which, or the period within which, the decision is to be made;
- ~~(a) 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;~~
- ~~(b) at least five clear days have elapsed since the publication of the forward plan; and~~
- ~~(c)~~ (b) 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 4 (~~N~~notice of ~~M~~meetings).

A forward plan will be prepared on a monthly basis by the Leader of the Council to cover a period of one month and will be used to give non-statutory advance notice of future decisions.

The forward plan will contain matters which the Leader of the Council 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 28 clear days following the publication of the plan. It will describe the same particulars as listed under (a) above.

Notices will not include any exempt or confidential information.

14. The Forward PlanPrivate meetings of the Executive

If the Executive, a committee of the Executive, individual members of the Executive, officers, or area committees operating under joint arrangements in the course of the discharge of an executive function takes a decision to hold a meeting, or part of a meeting, during which the public are excluded subject to Rule 10 above (Exclusion of Access by the Public to Meetings) and/or Rule 11 (Exclusion of Access by the Public to Reports), public notice will be made at least 28 clear days before the date of the intention to hold a private meeting. This notice will include the reasons given for the likely public exclusion from all or part of the meeting.

A further notice will be published five clear days before the meeting, which will 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.

14.1 Period of forward plan

~~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 Contents of forward plan

~~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) the matter in respect of which a decision is to be made;~~
- ~~(b) where the decision taker is an individual, his / her name and title, if any and where the decision taker is a body, its name and details of membership;~~
- ~~(c) the date on which, or the period within which, the decision is taken;~~
- ~~(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;~~
- ~~(e) the means by which any such consultation is proposed to be undertaken;~~
- ~~(f) 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~~
- ~~(g) a list of the documents submitted to the decision taker for consideration in relation to the matter.~~

~~14.3 The forward plan must be published at least fourteen days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:~~

- ~~(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;~~
- ~~(c) that the plan will contain details of the key decisions to be made for the four month period following its publication;~~
- ~~(d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;~~
- ~~(e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;~~
- ~~(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;~~
- ~~(g) that other documents may be submitted to decision takers;~~

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

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

15. General Exception

If a matter which ~~is the Leader of the Council has reason to believe will be subject of likely to be a key decision at least 28 clear days before the date on which the decision is to be taken then, has not been included in the forward plan, then~~ subject to Rule 16 (special urgency), the decision may still be taken if:

- ~~(a) — the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;~~
- ~~(b)(a)~~ the proper officer has informed the Chairman of the 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;
- ~~(e)(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.southcambs.gov.uk; and
- ~~(e)(c)~~ at least five clear days have elapsed since the proper officer complied with (a) and (b) above.

~~Where such a decision is taken collectively, it must be taken in public.~~

16. Special Urgency

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 Scrutiny and Overview Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of ~~the Scrutiny and Overview e~~Committee, or if ~~the Chairman~~he / she of the Scrutiny and Overview Committee is unable to act, then the agreement of the Chairman of the Council, or in his / her absence the Vice-Chairman will suffice.

As soon as the decision-maker has obtained agreement, the proper officer will make a copy of a notice available to the public at the offices of the Council and on the Council's website, www.southcambs.gov.uk, setting out the reasons why the decision is urgent and cannot be reasonably deferred.

17. Report to Council

17.1 When the Scrutiny and Overview Committee can require a report

If the Scrutiny and Overview Committee thinks that a ~~key~~ decision has been taken which should have been treated as a key decision, in accordance with the definition of a key decision as set out in paragraph 13.03 of Article 3 in this Constitution, ~~was not:~~

included in the forward plan; 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 will also require a report when so requested by the Chairman or five members of the Scrutiny and Overview Committee.

- ~~(a) or~~
- ~~(b) — the subject of the general exception procedure; or~~
- ~~(c) — the subject of an agreement with the Scrutiny and Overview 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 proper officer, 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 Scrutiny and Overview Committee.~~

17.2 Executive's report to Council

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 or request, 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 reports on special urgency decisions

In any event the Leader will submit quarterly reports to 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.

18. Recording and Publication of Decisions

- 18.1 After any meeting of the Executive 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, will produce a written record of every decision taken at that meeting as soon as practicable, which will include: -. ~~The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.~~
- 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 ~~the Executive,~~ an individual member of the Executive or a ~~committee of the Executive, or a~~ key decision is made by an officer with delegated authority from the Executive, ~~or an area committee or under joint arrangements,~~ the proper officer will 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 Executive who is consulted by the decision-maker; and
- e) in respect of declarations of interest, a note of any dispensations granted.

~~the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five days of being made. The Chairman of the Scrutiny and Overview Committee will be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision.~~

- 18.3 ~~The~~ at record in 18.1 and 18.2 will bear the date on which it is published and will specify that the decision will 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 12 of the Scrutiny and Overview Committee Procedure Rules.

19. Executive Meetings Relating to Matters which are Not Key Decisions

Meetings relating to matters which are not key decisions will be held in public unless the Executive determines otherwise.

20. Notice of Meeting of the Executive

Members of the Executive or its committees will 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.

21. Attendance at Meetings of the Executive

- (a) A councillor may attend and may speak at any meeting of the Executive or any committee or group of the Executive where a matter on the agenda for that meeting is stated to relate specifically to his or her ward.
- (b) Any other councillor may be invited by the Executive or any committee or group of the Executive to attend any meeting on any issue.

22. Decisions by Individual Members of the Executive

22.1 Decision-making

Decisions by individual members of the Executive shall be made in public, except where the provisions of Rule 10 (Exclusion of ~~A~~access by the ~~P~~public to ~~the m~~Meetings) apply.

22.2 Reports intended to be taken into account

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

22.3 Provision of copies of reports to Scrutiny and Overview Committee

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 the Scrutiny and Overview Committee as soon as reasonably practicable, and make it publicly available at the same time.

22.4 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he / she will 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 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information.

23. Scrutiny and Overview Committee Access to Documents

23.1 Rights to copies

Subject to Rule 23.2 below, the Scrutiny and Overview Committee (including its sub-committees) 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:

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

23.2 The Executive 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 Executive.

23.32 Limit on rights

The Scrutiny and Overview Committee will 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

~~(b)~~ (c) any document or part of a document containing the advice of a political adviser.

24. Additional Rights of Access for Members

24.1 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 24.1(b) above) or category 6 of Part 1 of Schedule 12A is open to inspection by members.

24.2 Material relating to key decisions

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

24.3 Nature of rights

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