

Access to Information Procedure Rules

1.0 Scope

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, area Committees (if any), the Standards Committee and regulatory and other Committees and meetings of the Cabinet (together called meetings). Where additional rules that apply only to Cabinet are included, they are clearly marked as such.

2.0 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law, including the Freedom of Information Act 2000

3.0 Rights to Attend Meetings

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

4.0 Notices of Meeting

Unless the Meeting is called at shorter notice, the Council will give at least five clear working days notice of any meeting by posting details of the meeting on its website and at the Council's main offices in Cecil Street, Margate, Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE (the designated office).

5.0 Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting except that:

- a) where the meeting is convened at shorter notice, copies of the agenda and report shall be published on the Council's website and open to inspection from the time the meeting is convened; and
- b) where 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 and publish it on the Council's website as soon as the report is completed and sent to Councillors) will be published on the Council's website and open to inspection ~~for~~ from the time the item was added to the agenda.

6.0 Items of Business

6.1 An item of business may not be considered at a meeting unless either:

- a) a copy of the agenda including the item (or a copy of the item) is published on the Council's website and open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

- b) by reason of special circumstances, which shall be specified in the minutes, the Chairman of the mMeeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

6.2 "Special circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a mMeeting allowing the proper time for inspection as well as why the item or report could not have been available for five clear days before the meeting.

6.3 Where the item of business relates to a Key Decision, Rules 165, 176 and 187 also apply.

7.0 Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the ~~Corporate Programme Manager or~~ Democratic Services Manager thinks fit, 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 or electronically at no charge.

A reasonable number of copies of the agenda and reports will be made available at the meeting.

8.0 Access to Minutes etc After the Meeting

The Council will make available for public inspection copies of the following documents 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 decisions, 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.

9.0 Background Papers

9.1 List of background papers

The proper officer will set out in every report that is open to public inspection 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 does not include published works or those which disclose exempt or confidential

information (as defined in Rule 110) and in respect of Cabinet reports, the advice of a political ~~advisor~~assistant.

9.2 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.

As far as Cabinet decisions are concerned, the Council will also publish on its website any background papers that are included in the list.

10.0 Public’s Rights

A copy of the Access to Information Procedure Rules, which sets out the public’s rights to attend meetings and to inspect and copy documents, shall be kept at and available to the public at the Council’s main offices for inspection. A member of the public shall be entitled to a copy of these Rules on request.

11.0 Exclusion of Access by the Public to Meetings

11.1 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.

11.2 Exempt information – discretion to exclude public

Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) the public may be excluded from ~~m~~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. Any resolution to exclude the public due to disclosure of exempt information must identify the proceedings, or the part of the proceedings to which it applies, and state, by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

11.3 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.

11.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

N.B. The full rules are set out in Part V and Schedule 12A Local Government Act 1972 (as Amended) ~~and the Relevant Authorities (Standards Committees) Regulations 2001.~~

Category	Condition
1. Information relating to any individual.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

Category	Condition
2. Information that is likely to reveal the identity of an individual.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

Category	Condition
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>a) Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests;</p> <p>b) Information is not exempt if it is required to be registered under:</p> <ul style="list-style-type: none"> • Companies Act 1985; • Friendly Societies Acts 1974 and 1992; • Industrial and Provident Societies Acts 1965 to 1978; • Building Societies Act 1986; • Charities Act 1993. <p>c) The rights of access by Members are contained in Section 1007 of the 1972 Act.</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.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
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 is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest

Category	Condition
	in disclosing the interests.

Information falling within any of the paragraphs above is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Disclosure by Members

Members will not make public Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.

12.0 Exclusion of Access by the Public to Reports

If the proper officer thinks fit, the Council may exclude access by the public to a report or a part of a report which in his or her opinion relates to items-an item during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked, in accordance with the law, "Not for publication" together with the category of information likely to be disclosed. Every copy of such report, or part of report, as the case may be, must be marked, "not for publication" and there must be stated on every copy of the whole or the part of the report:

- (a) that it contains confidential information; or
- (a)(b) by reference to the descriptions in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision-making body discharging the executive function are likely to exclude the public during the item to which the report relates.

~~13.0 Application of Rules to the Cabinet~~ Reporting of proceedings at Cabinet meetings

~~Rules 14 – 25 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 – 12 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.~~

While a Cabinet meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

14.0 Procedure prior to a Private Meeting of Cabinet

14.1 Subject to 14.2, a decision by Cabinet to hold a meeting, or part of a meeting in private may not be taken unless:

- (a) a notice has been published in the Forward Plan and Exempt Cabinet Report List at least 28 clear days before the meeting in question and made available on the council's website and at Thanet Gateway Plus, Cecil Street, Margate. This notice is to include a statement of the reasons why the meeting, or part of the meeting, is held in private;
- (b) a further notice will be published on the Council's website and at Thanet Gateway Plus, Cecil Street, Margate at least five clear working days before the meeting; such notice to include:

- i. a statement of the reasons for the meeting to be held in private;
- ii. details of any representations received by the Cabinet not later than 14 calendar days in advance of the meeting about why the meeting should be open to the public; and
- iii. a statement of its response to any such representations, which will be decided upon by the Leader in consultation with the Monitoring Officer.

14.2 Where the date by which a Cabinet meeting must be held makes compliance with Rule 14.1 impracticable, the meeting, or part of the meeting, may only be held in private where Cabinet has obtained agreement from:

- a) the Chairman of the relevant Overview and Scrutiny Committee; or
- b) if there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of Council; or
- c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of Council, the Vice-Chairman of Council.

154.0 Procedure Before Taking Key Decisions Publicity in connection with key decisions

Subject to Rule 176 (general exception) and Rule 187 (special urgency), a key decision may not be taken unless:

- (a) a notice ~~(called here a forward plan)~~ has been published in the Forward Plan and Exempt Cabinet Report List connection with the matter in question;
- (b) ~~at least 3 clear days have elapsed since the publication of the forward plan; and~~ the notice referred to at sub paragraph (a) has been available for public inspection at least 28 days at Thanet Gateway Plus, Cecil Street, Margate and on the Council's website;
- (c) where the decision is to be taken at a meeting of the Cabinet or its Committees notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

165.0 The Forward Plan and Exempt Cabinet Report List

15.1 ~~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.~~

165.12 Contents of forward plan and exempt cabinet report list

The forward plan and exempt cabinet report list will contain matters which ~~the Leader has reason to believe~~ will be the 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 in the course of the discharge of an Executive function ~~during the period covered by the plan. It will provide the following details::describe the following particularsdetails: in so far as the information is available or might reasonably be obtained:~~

- ~~(a) that a key decision is to be made on behalf of the Council;~~
- ~~(b) the matter in respect of which a decision is to be made;~~
- ~~(c) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its membersdetails of membership;~~
- ~~(d.) the date on which, or the period within which, the decision is to be madewill be taken;~~
- ~~(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;~~
- ~~(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;~~
- ~~(g) that other documents relevant to those matters may be submitted to the decision maker;~~
- ~~(h) the procedure for requesting details of those documents (if any) as they become available.~~
- ~~(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 Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and~~
- ~~(g) a list of the documents submitted to the decision taker for consideration in relation to the matter.~~

The forward plan ~~and exempt cabinet report list~~ must be published ~~at least 14 days before the start of the period covered on the Council's website and at Thanet Gateway at least 28 clear days before a key decision is made.~~

~~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.~~

~~Where in relation to any matter, the public may be excluded under Rule 11 from the meeting at which the matter is to be discussed, or the documents relating to the decision need not by virtue of Rule 12 to be disclosed to the public, the forward plan and exempt cabinet report list must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.~~

176.0 General Exception

~~17.1 If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 17 (special urgency), the decision may still be taken if: Subject to Rule 18 (special urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, that decision may only be made:~~

- ~~(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;~~
- ~~(a) where the proper officer has informed the Chairman of the relevant Overview and Scrutiny Committee, or, if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;~~
- ~~(b) where the proper officer has made available at Thanet Gateway Plus, Cecil Street, Margate for inspection by the public and published on its website a copy of the notice given pursuant to sub-paragraph (a); and~~
- ~~(c) after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).~~

~~17.2 Where Rule 17.1 applies to any matter, Rule 16 need not be complied with in relation to that matter.~~

~~17.3 As soon as reasonably practicable after the proper officer has complied with Rule 17.1, he or she must make available at Thanet Gateway Plus, Cecil~~

Street, Margate a notice setting out the reasons why compliance with Rule 16 is impracticable and publish that notice on the Council's website.

- ~~(b) the proper officer has informed the Chairman of a relevant Overview and Scrutiny 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;~~
- ~~(c) the proper officer has made copies of that notice available to the public at the offices of the Council; and~~
- ~~(d) at least 3 clear days have elapsed since the proper officer complied with (b) and (c).~~

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

187.0 Special Urgency

~~If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of a relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of a relevant Overview and Scrutiny Committee, or if the Chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.~~

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 has obtained agreement from

- (a) the Chairman of the Overview and Scrutiny Committee, or
- (b) if there is no such person, or if the chairman of the Overview and Scrutiny Committee is unable to act, the chairman of council; or
- (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or Council, the Vice-Chairman of Council

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 agreement under Rule 18.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at Thanet Gateway Plus, Cecil Street, Margate a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

187.34 Provision of urgent reports to Ward Members

18.3.147.1.1—1. In cases where the content of the report on the urgent decision is not exempt within the meaning of Schedule 12A of the Local Government Act 2000, Ward Members will be notified of the decision as soon as the decision is taken;

187.34.2 In cases where the content of the report on the urgent decision is exempt within the meaning of Schedule 12A of the Local Government Act 2000 and that exemption does not relate to commercial or contractual matters, Ward Members will be notified of the decision as soon as the decision has been taken, but without disclosure of the

exempt matters (for example, if the exemption relates to the identification of individual or personal matters, those details will not be disclosed until after the decision has been implemented);

187.34.3 In cases where the content of the report on the urgent decision is exempt within the meaning of Schedule 12A of the Local Government Act 2000 and that exemption relates to commercial or contractual matters, Ward Members will be notified of the decision as soon as the decision has been implemented.

198.0 Report to Council

198.1 When an Overview and Scrutiny Committee can require a report

Where an executive decision has been made and:

(a) was not treated as being a key decision; and

(b) a relevant Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision,

that Overview and Scrutiny Committee may require the executive which is responsible for the decision to submit a report to Council within such reasonable period as the committee may specify.

~~If the Executive and Policy Scrutiny Panel thinks that a key decision has been taken which was not:~~

~~(a) included in the forward plan; or~~

~~(b) the subject of the general exception procedure; or~~

~~(c) 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 Cabinet 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 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

149.8.2 Cabinet's report to Council

The Cabinet will prepare a report under Rule 19.1 for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7-5 working 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.~~

The report must include details of:

(a) the decision and reasons for the decision;

(b) the decision maker by which the decision was made; and

(c) if the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

198.3 Quarterly reports on special urgency decisions

~~In any event the Leader will submit quarterly reports to the Council on the Cabinet 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.~~

The Leader of the Council will submit to the Council quarterly reports containing details of each executive decision taken during the period since the last report was submitted to the council where the making of the decision was agreed as urgent in accordance with Rule 18 (special urgency).

2019.0 Recording of executive dDecisions made at meetings

~~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, 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.~~

As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced and published on the council's website for every executive decision made which includes:

- (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-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decisions; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service, following consultation with the Monitoring Officer.

210.0 Recording of executive decisions made by Individual Members of the Cabinet Decisions by Individual Members of the Cabinet

As soon as reasonably practicable after an individual Member has made an executive decision, that member must produce or instruct the proper officer to produce and publish on the Council's website a written statement of that executive decision which includes :

- (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 member when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

~~20.1 Reports intended to be taken into account~~

~~When an individual Cabinet member is taking a key decision they must make that decision considering a report from the relevant officer and that decision must not be made until 5 clear working days after receipt of that report.~~

~~When an officer is taking a key decision they must make that decision considering a report and that decision must be made until 5 clear working days after receipt of that report.~~

~~20.2 Provision of copies of reports to Overview and Scrutiny Committees~~

~~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 or Sub-Committee as soon as reasonably practicable, and make it publicly available at the same time, unless it contains confidential or exempt information~~

210.2 Recording of executive decisions made by Officers individual decision

As soon as reasonably practicable after an Officer has made a decision which is an executive decision, the officer must produce and publish on the Council's website a written statement which must 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 officer when making the decision;
- (d) a record of any conflict of interest declared by an executive member who is consulted by the Officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service, following consultation with the Monitoring Officer.

21.3 Reports intended to be taken into account

When an individual Cabinet member is taking a key decision they must make that decision considering a report from the relevant officer and that decision must not be made until 5 clear working days after receipt of that report.

When an officer is taking a key decision they must make that decision considering a report and that decision must not be made until 5 clear working days after receipt of that report.

221.0 ~~Overview and Scrutiny Committees Access to Documents Rights of access to documents for members of the Overview and Scrutiny Committee~~**221.1 ~~Rights to copies~~**

Subject to Rule 22.3 below ~~20.2 above~~, an Overview and Scrutiny Committee ~~(including its Sub-Committees)~~ will be entitled to a copy on request to copies of any document which is in the possession or under the control of the Cabinet or its Committees and which contains material relating to

- (a) any business transacted at meeting of the Cabinet or its Committees; or
- (b) ~~(b)~~ any decision that has been made taken by an individual member of the Cabinet in accordance with executive arrangements; or
- (c) any decision that has been made by an officer of the Council in accordance with executive arrangements.

22.2 Subject to Rule 22.3 below, where a member of an Overview and Scrutiny Committee requests a document which falls within Rule 22.1, the Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the request.-

221.32 ~~Limit on rights~~

~~An Overview and Scrutiny Committee will not be entitled to:~~

- ~~(a) any document that is in draft form; or~~
- ~~(b) the advice of a political adviser.~~

No member of an Overview and Scrutiny Committee is entitled to a copy:

- (a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to:
 - i) an action or decision that that member is reviewing or scrutinising
 - ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (c) of a document or part of a document containing advice provided by a political adviser or assistant

Where the Cabinet determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in Rule 22.1 or 22.3, the Cabinet Leader in conjunction with the Monitoring Officer will write

to all Members of the Overview and Scrutiny Committee, setting out the reasons for that decision.

21.3 Additional rights

The rights described in Rule ~~22.0.4~~ and ~~23.120.2~~ shall apply also in relation to non Executive functions dealt with by the Council and any regulatory or other Committees and Sub-Committees.

23.0 Additional Rights of Access to documents for Members of the Council

23.1 Subject to Rules 23.5 and 23.6, any document which:

(a) is in the possession or under the control of the Cabinet; 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..

23.2 Any document which is required by Rule 23.1 to be available for inspection by any Member of Council must be available for such inspection for at least five clear days before the meeting except that:

(a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and

(b) where an item is added to the agenda at shorter notice, a document that would be required to be available under Rule 23.1 in relation to that item, must be available for inspection when the item is added to the agenda.

23.3 Subject to Rules 23.5 and 23.6, any document which:

(a) is in the possession or under the control of the Cabinet; and

(b) contains any material relating to:

- i. any business transacted at a private meeting or part of a meeting held in private;
- ii. any decision made by an individual member in accordance with executive arrangements; or
- iii. 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 an Officer immediately after the decision has been made.

23.4 Any document which is required by Rule 23.3 to be available for inspection by any Member of Council must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

23.5 Rules 23.1 and 23.3 do not require a document to be available for inspection if it appears to the proper officer that it discloses exempt information of a description

falling within Part 1 of Schedule 12A to the Local Government Act 1972 (descriptions of exempt information: England);

23.6 Notwithstanding Rule 23.4, Rules 23.1 and 23.3 do require the document to be available for inspection if the information is information of a description for the time being falling within:

(a) paragraph 3 of Schedule 12A to 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 to the Local Government Act 1972.

23.7 Where it appears to the proper officer that compliance with Rules 23.1 or 23.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political advisor or assistant, that paragraph will not apply to that document or part.

23.8 The rights conferred by Rules 23.1 and 23.3 are in addition to any other rights that a member of a local authority may have.

~~22.1~~ — Material relating to previous business

~~All members will be entitled to inspect and have a copy of any document which is in the possession or under the control of the Cabinet or its Committees (including agenda and reports) and contains material relating to any business previously transacted at a meeting unless either (a) or (b) below applies:~~

~~(a) — it is a document that is in draft form (unless it is a document that was intended to be published in draft form); or~~

~~(b) — it contains the advice of a political adviser.~~

~~22.2~~ — Material relating to key decisions

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

~~22.3~~ 24.0 Agendas and Reports

All members of the Council entitled, on request, to copies of all agenda and reports when published whether relating to Executive or non Executive functions.

~~22.4~~ — Nature of rights

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