
THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

To: **Council – 6 December 2012**

Main Portfolio Area: **Leader and Cabinet Member for Corporate, Regulatory and Strategic Economic Development Services**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Summary: **This paper outlines the changes to the Access to Information Regulations and how the Council will have to amend its procedures and constitution to comply with these new rules.**

For Decision

1.0 Introduction and Background

- 1.1 The new Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 were laid before Parliament on 15 August and came in to effect on 10 September 2012. These regulations clarify and extend the circumstances in which local authority executive decisions must be open to the public.
- 1.2 The changes were reviewed by Constitutional Review Working Party (CRWP) and the Standards Committee; who have made a number of recommendations to allow the Council to comply with the new regulations. Council is now asked to agree these recommendations.

2.0 The Forward Plan

- 2.1 The Leader is currently required to publish a Forward Plan of key decisions that the Cabinet will take over a four month period (in practice in Thanet the time period has been significantly longer) on a monthly basis at least 14 days before the start of the period covered. In addition an annual notice was required to be published in a local newspaper showing the dates on which the plan was to be published throughout the year. This requirement for publication of the dates of future publication of the Forward Plan was repealed from the 10 September.
- 2.2 There is a new requirement that means a “document” must be published containing a key decision 28 clear days¹ before that decision is to be taken (either by Cabinet or an individual portfolio holder). In addition there are some small changes to the list of information that needs to be shown in such a document, the most significant of which is that it is no longer required to state the names of consultees or the means of consultation when taking a decision.

¹ Counsels opinion to the Association of Council Secretaries and Solicitors indicates that all references to 28 clear days should be interpreted as calendar days, however references to five clear days should be considered as references to working days)

2.3 If it is not possible to comply with the 28 days notice then there is a continuing, albeit amended urgency process of notifying the Chairman of the Overview and Scrutiny Panel before the decision can be taken. In addition if an item is so urgent that it could not wait five working days before being implemented then there is a way of taking these decisions, however the decisions would still have to be exempted from call-in under the existing Overview and Scrutiny rules. In either of these two cases there is a new provision that the Council must publish why it did not give 28 days notice of a decision. These two types of exceptions are explained in full in paragraph 6.0 below.

2.4 The new legislation does not allow for the existing practice of entering “not before a certain date” within the document. The legislation requires that “the date on which, or the period within which the decision is to be made” must be stated on the new document. Thus it is acceptable to specify a period between two specific dates.

3.0 Proposals for the new “Forward Plan”

3.1 In order to comply with the regulations the Senior Management Team (SMT) recommended and CRWP and the Standards Committee both concurred that the Council will, in future, publish a document that will bear significant similarities to the existing Forward Plan. In order to ensure that key decisions can be taken in line with the new requirements, the new document will be published 28 clear (calendar) days in advance of scheduled Cabinet meetings which will contain notification of key decisions. A list of publication dates is attached at Annex 1 to the report. This would mean that Officers will have to be aware of decisions that are coming forward and inform Democratic Services of them at least 28 days in advance of the Cabinet meeting that they intend to take the item to. In practice, looking how far in advance decisions were scheduled in the former Forward Plan this should not be an onerous task.

3.2 The alternative would be a “live” document (without “fixed” publication dates). The major disadvantage of a live document is that the audit trail is much less effective; as there is only ever one plan available on the Council’s website and it would be much harder for the public and Overview and Scrutiny Committee to keep track of items. The current committee document management system (modern.gov) can produce a rudimentary live document; however this is not capable of being printed off as a “plan”. Democratic Services would recommend against using a “live” document until Modern.gov release their updated software as described in more detail in paragraph 3.15 below.

3.3 **Recommendation:** That the Council publish a document as outlined at paragraph 3.1 of the report and as amended in paragraph 3.13.

3.4 **Recommendation:** The document will show future key decisions for the a one year period

3.5 **Recommendation:** The document will be published exactly 28 clear days in advance of scheduled Cabinet meetings.

3.6 Although the legislation only requires key decisions to be included, the document will include non-key decisions as well as key decisions. There are benefits though of including non-key decisions, among them it informs both the public and the Overview and Scrutiny Panel of decisions that may be important but are not classed as key. Also by including non key decisions - as will be seen later in the report at paragraph 5.1 – it would simplify the process of notifying the public of decision that are to be taken in private. If non-key decisions were not included in the document, then

Democratic Services would not be able to combine the document and the list of exempt Cabinet decisions, which would significantly reduce efficiency.

- 3.7 **Recommendation:** The document will contain non-key as well as key decisions.
- 3.8 The new document will also have to include details of the Councils address and the process for obtaining any of the documents that are referenced in the document. In addition the document should also state that additional documents may be submitted to the decision maker and if so how those documents would be made available to the public. This information used to be provided in the annual newspaper advertisement required under the old Regulations, but an advertisement is not required under the new legislation.
- 3.9 It is proposed that the document be called “The Forward Plan and Exempt Cabinet Report List” as this retains the name Forward Plan which many people are familiar with and the new document still retains many similar features to the old Forward Plan. The exempt cabinet report list will be explained later in the report at paragraph 4.1.
- 3.10 **Recommendation:** The document will be titled: “The Forward Plan and Exempt Cabinet Report List”.
- 3.11 As mentioned in paragraph 2.4 above, the new legislation does not allow for the existing practice of entering “not before a certain date”. Officers will have to specify a date, or a “decision by date” when entering items on the “Forward Plan and Exempt Cabinet Report List”. By entering a “decision by date” it creates a period of time from the date the item is published in the Forward Plan and Exempt Cabinet Report List and the “decision by date” and fulfilling the requirement of the regulations.
- 3.12 An example of what the new “Forward Plan and Exempt Cabinet Report List” would look like is attached at Annex 2 to the report. It has been necessary to remove the consultees and consultation columns from this printed document in order to fit the new exempt information column. Under the new regulations neither consultees or consultation has to be included in the “Forward Plan”, however they will remain on the online version of the “Forward Plan and Exempt Cabinet Report List.
- 3.13 It was reported at the CRWP meeting that the Overview and Scrutiny Panel had indicated that they felt that they still wished to see where they were to be a consultee on a decision. Since CRWP and the Standards Committee reviewed the draft Forward Plan, Democratic Services have amended the template slightly to accommodate the request of the Overview and Scrutiny Panel ².
- 3.14 The “Forward Plan and Exempt Cabinet Report List” as described in this section of the report inclusive of the options outlined, will continue to be published through the existing Modern.gov system.
- 3.15 It is worth noting that Modern.gov is currently developing a new way of publishing the Forward Plan which accommodates the requirements of the new Regulations. It is understood that these developments are quite radical and may allow alternative ways of complying with the new Regulations in future. Once the new version has been released and evaluated by Democratic Services, options will be brought to SMT, then to CRWP and Standards Committee before being agreed by Council.

² The only change is that the column previously headed “For decision by” now also includes “in the case of O & S, consultation date”. Thus the column would now show the date of planned referral to the Overview and Scrutiny Panel (if applicable), as well as any dates for Cabinet or Council decisions.

4.0 Cabinet meetings when exempt information is to be considered

- 4.1 New rules now apply ahead of any Executive meeting that considers a report that contains exempt information. The Council must now publish a notice, both on its website and at its offices, 28 days in advance of a Cabinet meeting where an exempt report or an exempt part of a report (for example an exempt annex) is to be considered.
- 4.2 Under the previous rules Cabinet could have elected to meet wholly in private without any exclusion of the public. TDC however never elected to utilise this rule. Under the new rules if TDC wished to hold a wholly private meeting of the Cabinet (not a meeting considering exempt information) it would also have to give the same 28 days notice.
- 4.3 The notice referred to in paragraphs 4.1 and 4.2 must give the public the ability to make specific representations to the Council explaining why they believe that the meeting should be held, or the report should be considered, in public.
- 4.4 An additional notice must also be published at least five clear (working) days in advance of the meeting setting out any representations have been received from the public together with the response of the Leader as to why the item or meeting would continue to be held in private or excluding the public. It is only proposed to publish a notice if the Council receives any representations.
- 4.5 Where it isn't possible to follow the timescales set out in these procedures, then the meeting can only go ahead if the Chairman of the Overview and Scrutiny Panel has agreed that the meeting is urgent and cannot be deferred. In addition a notice must also be published on the council's website and made available at the Council's offices giving the reasons why the meeting is urgent and cannot be deferred in order to comply with the legislation.
- 4.6 In addition, when Democratic Services include the Schedule 12A of the Local Government Act 1972 paragraph number when exempting reports the new legislation also states that the actual reason as well as the paragraph number must also be included

5.0 Proposals for procedures prior to Cabinet meetings when exempt information is to be considered

- 5.1 SMT recommended and CRWP and Standards Committee concurred that the notice giving 28 days notice of a meeting that might contain exempt information is combined with the "Forward Plan and Exempt Cabinet Report List" by the addition of a column to include the required information as shown in Annex 2. This would mean that the members of the public would only have to look in one place for information rather than two and it would also reduce workloads for Democratic Services as only one document would need to be produced. It would however mean that non-key decisions going to Cabinet that were based on confidential reports would need to be included in the new Forward Plan. This would marginally reduce flexibility; however confidential non-key decisions occur infrequently. In addition not combining the two documents would seriously impact the way that Democratic Services work and would push some of these notifications out of the Modern.gov system.
- 5.2 **Recommendation:** The statement that needs to be produced giving 28 days notice of confidential items being discussed at Cabinet is added to the "Forward Plan and Exempt Cabinet Report List".

- 5.3 In practice there are a number of ways the Leader may consider any representations that may be received regarding requests to hear items in public rather than private. However the most practical option is that the Leader delegates power to the Monitoring Officer, in consultation with the Leader, to decide on a response to any representations received.
- 5.4 **Recommendation:** That the Leader delegates power to the Monitoring Officer, in consultation with the Leader, to decide on a response to any representations received regarding why a report should not be considered in private, based on the information as captured in the report.
- 5.5 The Council's constitution will also have to be amended to allow for the Leader in conjunction with the Monitoring Officer to consider requests to hold meetings in public where confidential items are due to be discussed and to include the exemption rules for when timescales cannot be followed regarding the 28 day notice period for confidential items.
- 5.6 The Council will also have to publish the representations from the public requesting a meeting is held in public together with the responses mentioned above in paragraphs 4.1, 4.2 and 5.1. The legislation says we must publish the responses to the representations at least five clear (working) days in advance of the meeting; however there is no mention how far in advance of the meeting we have to stop accepting representations. It is proposed that the public have 14 calendar days to give representations, this would leave seven calendar days for the Leader in consultation with the Monitoring Officer to consider them and then these would be published on the Council's website through the Modern.gov system five clear (working) days in advance of the meeting.
- 5.7 **Recommendation:** The timescales for allowing representations as outlined in paragraph 5.6 are agreed.
- 5.8 Democratic Services are currently investigating when the Modern.gov system will be capable of including the description of the Schedule 12A reason as well as the number. First indications that at the least the reasons for exemptions will be displayed on the Councils website as they currently are for agenda items.
- 6.0 General Exceptions and Special Urgency Provisions**
- 6.1 The General Exceptions rules for when a key decision is not published in accordance with the rules as outlined in paragraph 2.3 is that the proper officer must inform the Overview and Scrutiny Panel chairman and then give five clear (working) days before the decision can be made. Once the Overview and Scrutiny Chairman has been informed a notice stating the reasons why 28 days notice could not be given must be made available at the Councils offices and published on the Councils website.
- 6.2 In cases of special urgency when a decision is so urgent that it must be taken at less than (working) clear days notice the decision maker must obtain agreement from the chairman of the Overview and Scrutiny Panel that the decision is urgent and cannot be deferred. Once that agreement has been obtained the decision maker must then prepare a notice stating the reasons why decision is urgent and could not be deferred and that notice must be made available at the Councils offices and published on the Councils website.
- 6.3 It is worth noting both the general exception and special urgency rules as outlined above replaces the existing general exception and special urgency rules contained within the Council's constitution. However both of the new rules are virtually the same

as the old ones, the only change being that the notice as described in paragraph 6.2 must be published on the Council's website. In addition the Council already has separate rules on exempting decisions from Call-In and these are detailed within the Council's Overview and Scrutiny Procedure Rules.

- 6.4 In addition Democratic Services currently reports to Full Council each quarter how many decisions it takes under the current urgency rules. Under the new rules the Council has the ability to determine how often this report is presented to Full Council, the only limitation being that it must be done at least annually.

7.0 Proposals for revised General Exceptions and Special Urgency Provisions

- 7.1 Both notices of general exception and special urgency must be published on the Council's website and investigations are currently underway with Modern.gov as to how to do so. Discussions with Modern.gov indicate that they are developing a system that will enable these notices to be published, even before the agenda is published.

- 7.2 **Recommendation:** That the Council amend its new exemption and special urgency procedures as outlined in Section 6 of the report and that Council remain updated on the number of decisions made under the special urgency provisions on a quarterly basis.

8.0 Officer decisions notices

- 8.1 In the past only Key decisions taken by officers have had to be accompanied by a decision notice. One of the most significant new requirements of the regulations is that as soon as reasonably practicable after an officer has made a decision which is an executive decision (For these purposes "executive decision" means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive), an officer must produce a written statement. The statement must include; a record of the decision including the date it was made, a record of the reasons for the decision, details of any alternative options considered and rejected by the officer when making a the decision; a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision and in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority Head of Paid Service.

9.0 Changes to procedures regarding officer decision notices

- 9.1 This is potentially the biggest change of all those included in the new regulations. Guidance on this issue has been issued by the Department for Communities and Local Government (DCLG) in a letter to the Association of Solicitors and Secretaries which explains that this requirement only applies to direct delegations to Officers that relate to an Executive Function.

- 9.2 Democratic Services are holding meetings with Directorates to explain the implications of this new regulation to senior officers.

10.0 Rights to access documents for Councillors and Members of the Overview and Scrutiny Panel

- 10.1 The new rules also give a wider right for both Councillors and Members of the Overview and Scrutiny Panel to access documents in the possession of, or under the control of the Cabinet or that have been considered at Cabinet meetings or a private Cabinet meeting. The rules also retain the existing practice of publishing all

documents considered by a Cabinet Member when taking an individual Cabinet decision as soon as that decision is made.

- 10.2 Under the new rules all Councillors must be able to inspect all Cabinet papers at least five clear (working) days in advance of the meeting, (or as soon as the agenda is published if it were a late item). Also, when an Executive decision is made by an officer or an individual Cabinet Member, all reports and background papers used by the officer or Cabinet Member when taking that decision must be available to Members within 24 hours of the decision being taken. However Members are not allowed access to documents if they are exempt under Part 1 of Schedule 12A of the Local Government Act 1972. However, if the item is exempt under paragraph 6 of Part 1 of Schedule 12A or paragraph 3 of Part 1 of Schedule 12A (except for information regarding negotiations relating to a contract) then the information must be released to the Member.
- 10.3 The new rules now state that when a Member of the Overview and Scrutiny Panel requests a document that contains information that relates to a Cabinet Decision, a decision made by an Individual Cabinet Member or by an officer, that document must be provided to them within 10 working days of the request. If the Cabinet denies the request for a document or a part of a document, then it must provide a written statement to the Overview and Scrutiny Panel setting out the reasons for why they are not entitled.
- 10.4 However Members of the Overview and Scrutiny Panel when requesting documents as explained in paragraph 10.3 above are not entitled to a document that contains exempt or confidential information, unless it relates to a matter that that Member is reviewing or scrutinising, or to a review contained in any programme of work of the Panel or its Working Parties.

11.0 Changes to procedures regarding rights to access documents for Councillors and Members of the Overview and Scrutiny Panel

- 11.1 The Council already complies with a number of the provisions set out in the new rules; in particular Democratic Services already supply all Councillors with copies of Cabinet papers at least five clear working days in advance of the meeting. Democratic Services also publish reports as soon as possible after an individual Cabinet Member decision is taken.
- 11.2 It is proposed that in order to comply with the new rules Democratic Services will have to publish all reports and background papers within 24 hours of a decision being made. This would have to be interpreted as 24 hours spread over calendar days as it would make decision making on a Friday an extremely challenging task.
- 11.3 The legislation however is not specific as to how the written statement of refusal to a request for a document from a Member of the Overview and Scrutiny Panel must be presented to the Overview and Scrutiny Panel.
- 11.4 **Recommendation:** That when a refusal to a request for a document from a Member of the Overview and Scrutiny Panel takes place, the Cabinet Leader in conjunction with the Monitoring Officer will write to all of the Members of the Overview and Scrutiny Panel.

12.0 Background Papers

- 12.1 The new rules now mean that the Proper Officer has a duty to ensure that a copy of every background document that is listed in a Cabinet report (including those written

for Individual Cabinet Member decisions) is made available for public inspection at the offices of the Council and published on the Council's website. This means that the guidance for the report template would need to be amended.

- 12.2 It is important to note the definition of "background documents" as this could potentially be quite a time consuming task. "Background document" in relation to a report, means those documents that relate to the subject matter of the report and in the opinion of the proper officer disclose any facts on which the report or an important part of the report is based and were relied on to a material extent in preparing the report.

13.0 Changes to procedures regarding background documents

- 13.1 There is a necessity in light of the new rules to look again at the issue of background papers. The definition of background papers doesn't include any previously published document; this reduces the number documents that officers can include as background papers in reports. Officers should be thinking more creatively about the way reports are written and how documents are referenced. This could include referencing within reports, the increased use of hyperlinks within documents and understanding that there is no need to include documents that have been published elsewhere.
- 13.2 If officers feel that they should include background documents then Democratic Services would have to be provided with electronic copies of them when they are sent the reports. Democratic Services can then easily publish the background documents through the Modern.gov system.

14.0 Attending the Cabinet and facilities for recording meetings

- 14.1 The new rules require of the Council that any person who is attending the meeting for the purposes of reporting the proceedings is, so far as is practicable, to be afforded reasonable facilities for taking their report.
- 14.2 The definition of "any person who is attending the meeting for the purposes of reporting the proceedings" is currently unclear. There has been a press release from the DCLG that refers to the legislation allowing members of the public to report proceedings; however the regulations do not support this position. In fact there is a clause included in the legislation that states that nothing in the regulations requires a decision making body to permit the taking of photographs or audio or video recording of a meeting.

15.0 Changes to procedures about the recording of meetings

- 15.1 The Council's existing procedure, although not stated within the constitution, but widely practised (and read out at Full Council meetings) already allows for blogging, tweeting and accessing the internet during meetings, but not the use of mobile phones to make calls. Nor does it permit video recording. As seen above the new legislation requires us to give reasonable facilities for the taking of reports but not photography or video recording. It could be strongly argued that the current practice already complies with the new Regulations.
- 15.2 Elsewhere on this agenda the issue of using mobile phones and laptops will be discussed.
- 15.3 The issue of recording of meetings was recently the subject of a notice of motion at Full Council and was discussed in depth by the CRWP and it was felt that no

recommendation on recording of meetings would be necessary as part of this report. This issue is dealt with elsewhere on the agenda.

16.0 Dispensations by the Head of Paid Service

- 16.1 Currently when a Cabinet Member takes a decision, they can apply for a dispensation (a dispensation is applied for when a Member has an interest in an item that is under discussion, so significant it would prevent them commenting or voting on that item. There are very proscribed rules in giving exemptions and these are outlined in the Councils constitution) from the Standards Committee if needed, if they have a conflict of interest. Under these new Regulations the ability to apply for a dispensation remains, however the Councillor must apply to the Head of Paid Service instead of the Standards Committee. Therefore the Council needs to make arrangements for the Head of Paid Service to consider the granting of dispensations when Cabinet Members are making decisions and when individual Cabinet Members are being consulted by officers over a decision being taken by either an officer or another Cabinet.
- 16.2 Under these new rules exemptions should only be given in extraordinary circumstances based on the individual facts in each case, as there should be a presumption not to consult with a Member who has a disclosable pecuniary interest (DPI) because if that Member was the decision taker they wouldn't be able to take the decision because of the DPI. It should also be the case that if a member who was consulted on a decision did not apply for an exemption if needed then that Member would be considered to have breached the Members code of conduct.
- 16.3 **Recommendation:** That the Head of Paid Service grants dispensations to Executive Members in consultation with the Council's Monitoring Officer.

17.0 Reports to the Local Authority where the key decision procedure has not been followed.

- 17.1 There is a new regulation that gives the Overview and Scrutiny Panel the ability to require the Cabinet to submit a report to Council when a non key decision has been taken that the Panel feels should have been a key decision. This rule extends to any executive decision and includes those made by Cabinet, individual Cabinet Members or Officers.
- 17.2 The report must include the decision and details of the decision, the decision maker taking the decision and if the Cabinet are of the opinion that the decision was not a key decision the reasons for that opinion.
- 17.3 This could potentially have an impact on the work of the Council as Overview and Scrutiny will be able to effectively call to Council any non-key executive decision taken by anyone that they felt should have been key.
- 17.4 **Recommendation:** That the Council's constitution is amended to give the Overview and Scrutiny Panel the power to require the Cabinet to submit a report to Council when a non key decision has been taken that the Panel feels should have been a key decision.

18.0 Joint committees

- 18.1 All of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relate to joint committees of Cabinet

Members between different authorities. This would include the East Kent Joint Arrangements Committee or its successor.

19.0 Punishable Offences for obstruction of the regulations

19.1 It must be noted that a new offence has been introduced in the legislation that is punishable by a level 1 fine (up to £200).

19.2 A person who has custody of a document which is required by Regulation 7, 14 or 15 (agendas, decision notices or background papers) to be available for inspection by members of the public, commits an offence if without reasonable excuse, that person:–

a) intentionally obstructs any person exercising a right conferred under the regulations to inspect or make a copy of the whole or part of a document, or:

b) refuses to supply a copy of the whole or part of the document in accordance with the regulations.

20.0 Changes to the Constitution

20.1 This report contains a number of changes that need to be documented in the Council's constitution. All of these are included in Annex 3 which shows a track changed version of the Council's current Access to Information Rules, showing how the Constitution must be amended.

20.2 If the Council makes any amendments to any of the recommendations outlined within the report then changes will need to be made to Annex 3 to reflect these before the report is agreed.

21.0 Corporate Implications

21.1 Financial and VAT

21.1.1 There are no financial implications.

21.2 Legal

21.2.1 The Council must follow these new regulations as they are the law. The interpretation of the law may change in the future as more clarification and guidance is received from the DCLG.

21.3 Corporate

21.3.1 There is a level of corporate risk involved with not complying with all of the legislative requirements outlined in the report.

21.4 Equity and Equalities

21.4.1 There are no equity or equalities implications.

22.0 Recommendation(s)

22.1 That:

- a) Council agrees the following summary of recommendations from the Standards Committee:
 - i) **Recommendation:** That the Council publish a document as outlined at paragraph 3.1 of the report and as amended in paragraph 3.13.
 - ii) **Recommendation:** The document will show future key decisions for a one year period
 - iii) **Recommendation:** The document will be published exactly 28 clear days in advance of scheduled Cabinet meetings.
 - iv) **Recommendation:** The document should contain non-key as well as key decisions.
 - v) **Recommendation:** The document will be titled: "The Forward Plan and Exempt Cabinet Report List".
 - vi) **Recommendation:** The statement that needs to be produced giving 28 days notice of confidential items being discussed at Cabinet is added to the "Forward Plan and Exempt Cabinet Report List".
 - vii) **Recommendation:** That the Leader delegates power to the Monitoring Officer, in consultation with the Leader, to decide on a response to any representations received regarding why a report should not be considered in private, based on the information as captured in the report.
 - viii) **Recommendation:** The timescales for allowing representations as outlined in paragraph 5.6 are agreed.
 - ix) **Recommendation:** That the Council amend its new exemption and special urgency procedures as outlined in Section 6 of the report and that Council remain updated on the number of decisions made under the special urgency provisions on a quarterly basis.
 - x) **Recommendation:** That when a refusal to a request for a document from a Member of the Overview and Scrutiny Panel takes place, the Cabinet Leader in conjunction with the Monitoring Officer will write to all of the Members of the Overview and Scrutiny Panel.
 - xi) **Recommendation:** That the Head of Paid Service grants dispensations to Executive Members in consultation with the Council's Monitoring Officer.
 - xii) **Recommendation:** That the Council's constitution is amended to give the Overview and Scrutiny Panel the power to require the Cabinet to submit a report to Council when a non key decision has been taken that the Panel feels should have been a key decision.
- b) That the Council's Constitution be amended as at Annex 3 to reflect these changes.

23.0 Decision Making Process

23.1 These recommendations have been considered by the Constitutional Review Working Party and Standards Committee.

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Annex List

Annex 1	List of forward plan and exempt Cabinet report list publication dates
Annex 2	Proposed example of forward plan and exempt Cabinet report list
Annex 3	Amended Access to Information Rules with track changes.

Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	Matthew Sanham, Finance Manager (Service Support)
Legal	Harvey Patterson, Corporate and Regulatory Services Manager