

Cabinet – Supplementary agenda No.1

A meeting of the Cabinet will be held on:

Date: 4 September 2012

Time: 3.00pm

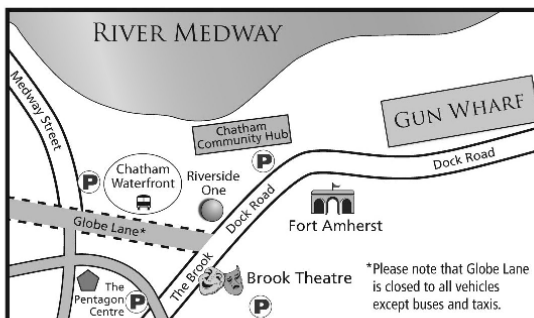
Venue: Meeting Room 2 - Level 3, Gun Wharf, Chatham, Dock Road,
Kent ME4 4TR

Items

7. **Executive Decision Making - New Legislative Requirements –** (Pages
Appendices A and B to the report are attached **1 - 20)**

For further information please contact Wayne Hemingway/Anthony Law,
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Date: 29 August 2012



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বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	এহুৎশফ	331786	فارسی	331840	Lietuviškai	332372

Appendix A

The Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012 – consequential changes to Medway Council’s Constitution

Current Constitutional provisions	Suggested change
<p>Chapter 1 – Summary and Explanation</p> <p>Page 1.3 Section 7 Local People’s Rights</p> <p>Para 7.4</p>	<p>Add below bullet point 4</p> <ul style="list-style-type: none"> • To make representations about why a Cabinet meeting, or part of a Cabinet meeting, should be open to the public when notice of an intention to meet in private is published.
<p>Article 3 – Local People and the Council</p> <p>Page 2.5 Para 3.1 (b) Information</p>	<p>Add additional bullet point</p> <ul style="list-style-type: none"> • To make representations about why a Cabinet meeting, or part of a Cabinet meeting, should be open to the public when notice of an intention to meet in private is published

Article 12 – Decision making

Page 2.29 Para 12.3 (b) Key decisions

(b) **Key decisions**

i) A key decision is one which ~~The regulations~~ define a key decision as one which is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in anthe area comprising two or more wards in Medway.
- ii) For the purpose of determining what is to be regarded as significant expenditure or savings reference will be made to the financial and risk thresholds set out in the relevant parts of the Constitution which clearly set out what must be determined by the Cabinet or full Council. These include the scheme of delegation, the section on financial limits and the Financial and Contracts rules

A decision taker may only make a key decision in

	<p>accordance with the requirements of the Leader and Cabinet rules set out in chapter 4 of this constitution.</p> <p><u>Generally, key decisions will be made by the Leader/Cabinet, a Committee of the Cabinet, a Joint Committee (or Sub Committee thereof) or an area Committee (if any).</u></p>
<p>Chapter 3 - Responsibility for Functions Part 4 Employee Delegation Scheme</p> <p>Page 3.25 Delegations to the Chief Executive – Democratic Services</p> <p>Page 3.27 Delegations to Assistant Director, Legal and Corporate Services</p>	<p>Add:</p> <p>To require a report to full Council when requested by the Chairman of an Overview and Scrutiny Committee on behalf of the Committee in circumstances where the Committee are of the opinion that an executive decision has been made and should have, but has not, been treated as a key decision</p> <p>Add – Democratic Services</p> <p>To act as the proper officer for the purposes of the access to information rules, including determination, in consultation with the Leader of the Council, of a response to any representations received about why a Cabinet meeting, or part of a Cabinet meeting, should be held in public following publication of a notice of intention to meet in private.</p>

<p>Chapter 4 – Rules Part 2 – Access to Information Rules Pages 4.21 to 4.32</p>	<p>Appendix B sets out the proposed changes to Access to Information Rules</p>
<p>Chapter 4 – Rules Part 4 – Leader and Cabinet Rules Page 4. 43, Paragraph 1.7, Public Meetings of the Cabinet</p>	<p>Add: The Leader may exercise any lawful power to exclude a member or members of the public to maintain orderly conduct or prevent misbehaviour. In these circumstances the Leader will follow the procedures for disturbance at meetings set out in Council Rule 11.2</p>

PART 2 - ACCESS TO INFORMATION RULES

Contents

Rule	Page
1. Scope	4.23
2. Additional rights to information	4.23
3. Right to attend meetings	4.23
4. Notice of meeting	4.23
5. Access to agenda and reports before the meeting	4.23
6. Supply of copies	4.23
7. Access to minutes, etc, after the meeting	4.2324
8. Background papers	4.24
9. Summary of public's rights	4.24
10. Exclusion of access by the public to meetings	4.2425
11. Exclusion of access by the public to reports	4.2526
12. Application of rules to the Cabinet	4.2527
13. Procedure before taking key decisions <u>prior to a private meeting of the Cabinet</u>	4.2627
14. <u>Publicity in connection with key decisions</u>	4.27
<u>15.</u> The forward plan <u>of key decisions</u>	4.2628
45 <u>16.</u> General exception	4.2729
46 <u>17.</u> Special urgency	4.2830
47 <u>18.</u> Report to Council	4.2830
48 <u>19.</u> Record of decisions	4.2931
49 <u>20.</u> Cabinet meetings relating to matters which are not key decisions	4.2932
20 <u>21.</u> Notice of meetings of the Cabinet	4.2932
24 <u>22.</u> Attendance at meetings of the Cabinet	4.2932

Rule		Page
22 <u>23</u> .	Decisions by individual Members of the Cabinet	4. 30 <u>33</u>
23 <u>24</u> .	<u>Rights of access to documents for Members of</u> Overview and Scrutiny Committees' access to documents	4. 30 <u>33</u>
24 <u>25</u> .	Additional rights of access <u>to documents</u> for Members <u>of the Council</u>	4. 31 <u>34</u>

1. RULE 1 - SCOPE

These rules apply to ~~all~~ meetings of the Council, Overview and Scrutiny Committees ~~(with some statutory exceptions)~~, area Committees (if any), the Councillor Conduct Committee and regulatory Committees and public meetings of the Cabinet (together called meetings).

2. RULE 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. RULE 3 - RIGHT TO ATTEND MEETINGS

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

4. RULE 4 - NOTICE OF MEETING

The Council will give at least five clearworking days notice of any meeting by posting details of the meeting in public buildings, on its website, in newspapers and at its offices, unless the law provides otherwise in special circumstances.

5. RULE 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 Chatham Community Hub at least five clearworking days before the meeting. Copies will also be sent to Gillingham Library and Strood Library. Where a meeting is convened at shorter notice a copy of the agenda and associated reports will be open to inspection from the time the meeting is convened. If an item is added to the agenda later, the revised agenda and additional reports will be open to inspection from the time the item was added to the agenda. Agendas and reports will also be published on the internet council's website.

6. RULE 6 - SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) if the Chief Executive thinks appropriate, 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 reasonably incurred.

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

7. RULE 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 records of decisions taken by the bodies to which these apply, (together with reasons for Cabinet decisions), for all meetings of the Cabinet, excluding any part of the record when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any part of the meeting not open to the public, where the record open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting;
- (d) reports relating to items when the meeting was open to the public.

8. RULE 8 - BACKGROUND PAPERS

8.1 List of background papers

The Chief Executive 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;
- (b) have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in rule 10) and, in respect of Cabinet reports, the advice of a political ~~adviser~~assistant.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

In relation to Cabinet decisions the Council will make available on the council's website and at the council's offices (at all reasonable hours) a copy of the background papers included within the list.

9. RULE 9 - SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at the Chatham Community Hub, Gillingham Library and Strood Library and is available to the public.

10. RULE 10 - EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

- The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Such reports will be marked "not for publication", together with the category of information likely to be disclosed. Where possible any exempt information ~~will should~~ be contained in an appendix to enable discussion of the main item to be held in public. Any resolution to exclude the public due to disclosure of exempt information must identify the part of the proceedings to which it applies and the description of exempt information being used.
- 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 (however expressed) which forbid its public disclosure or information which cannot be publicly disclosed under any enactment or by Court Order.

10.4 Meaning of exempt information

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

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 within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act as set out in paragraph 8 of Schedule 12A of the Local Government Act 1972 (as amended). Financial or

Category	Condition
	business affairs includes contemplated as well as past or current activities.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.	Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in paragraphs (a) to (g) of section 218 of the Trade Unions and Labour Relations Act 1992, ie matters which may be the subject of a trade dispute.
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	Information within paragraph 6 is exempt only while disclosure might give an opportunity to a person affected by the notice, order or direction to defeat the purpose for which the notice, order or direction is to be given or made.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

10.5 Information falling within any of paragraphs 1-7 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.

10.6 Information which falls within any of paragraphs 1 to 7 above and which is not prevented from being exempt by either the condition to paragraph 3 or paragraph 10.5 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. **RULE 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. **RULE 12 - APPLICATION OF RULES TO THE CABINET**

12.1 ~~12.1~~—Rules 13 – ~~24-25~~ below apply to the Cabinet and any Cabinet Committees. If the Cabinet or its Committees meet to take a ~~key key~~ decision then it must also comply with rules 1 – 11 unless rule ~~15-16~~ (general exception) or rule ~~16-17~~ (special urgency) apply. 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.

12.2 A key decision is defined in ~~article~~ Article ~~12.3~~ of this constitution.

~~12.2~~—If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with rules 1 – 11 unless rule 15 (general exception) or rule 16 (special urgency) apply. A key decision is as defined in article 12.3 of this constitution. This requirement does not include meetings, whose sole purpose is for employees to brief members.

13. **RULE 13 - PROCEDURE PRIOR TO A PRIVATE MEETING OF THE CABINET**

13.1 Subject to 13.2 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 at least 28 clear days before the meeting in question and made available on the council's website and at Chatham Community Hub. This notice is to include a statement of the reasons for the meeting being held in private;
- (b) a further notice is included on the agenda and published on the council's website and at Chatham Community Hub five clear days before the meeting. This notice is 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 about why the meeting should be open to the public
 - iii) a statement of its response to any such representations.

13.2 If a matter has not been included in accordance with rule 13.1 then the decision to hold a meeting, or part of a meeting, in private may still be taken if the Cabinet obtains the agreement of the chairman of the relevant Overview and Scrutiny Committee (or in that person's absence the Mayor and in the Mayor's absence the Deputy Mayor) that the meeting is urgent and cannot reasonably be deferred. As soon as it is practicably possible a notice will be published on the council's website and Chatham Community Hub setting out the reason why the meeting is urgent and cannot be reasonably deferred.

14. RULE 134 -- PUBLICITY IN CONNECTION WITH KEY DECISIONS

14.1 Subject to rule ~~15-16~~ (general exception) and rule ~~16-17~~ (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 in connection with the matter in question;
- (b) the notice referred to in (a) has been available for public inspection for at least 28 clear days at Chatham Community hub and on the Council's website at least three clear working days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its Committees/Sub Committees, notice of the meeting has been given in accordance with rule 4 (notice of meetings).

14.15. RULE 14-15 - THE FORWARD PLAN OF KEY DECISIONS

~~14.1~~ **Period of forward plan**

~~Forward plans will be prepared by the Leader to cover a period of four months. 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.~~

~~14.12~~ **Contents of forward plan**

The forward plan will contain matters which ~~the Leader has reason to believe~~ will be the subject of a key-key decision to be taken by the Cabinet, a Committee of the Cabinet, individual Members of the Cabinet, ~~employees,~~ area Committees or under joint arrangements in undertaking their responsibilities ~~during the period covered by the plan~~. It will give the following details ~~where the information is available or can be obtained~~:

- ~~(a)~~ (a) that a key decision is to be made on behalf of Medway Council;
- ~~(b)~~ the matter in respect of which the decision is to be made; issue to be decided;
- ~~(c)~~ 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~~ a list of its Members;
- ~~(d)~~ e) the date on which, or the period within which, the decision will be taken;
- ~~(e)~~ a list of the documents to be submitted to the decision taker for consideration;

~~(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; and~~

~~the procedure for requesting details of those documents (if any) as they become available.~~

~~(h)~~

~~(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision, if any;~~

~~(e) how such consultation will be done;~~

~~(f) the steps anyone who wishes to comment can take, and the date by which they should comment;~~

~~(g) a list of the documents to be submitted to the decision taker for consideration.~~

~~The forward plan will contain any proposals to change the level of employee delegations.~~

~~The forward plan of key decisions must be published a on the council's website and at Chatham Community Hub at least 28 clear days least 10 working days before a decision is made the start of the period covered. The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:~~

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

~~(b) that a forward plan containing details of these decisions will be prepared on a monthly basis for the four months ahead;~~

~~(c) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices, and will contain the list of documents to be submitted, and where copies of the plan and the documents can be obtained;~~

~~(d) that there may be more documents to come and how they may be obtained;~~

~~(e) the dates on which updates to the forward plan will be published and made available.~~

~~Confidential, Exempt information or particulars of the advice of a political assistant need not be included in thea forward plan and confidential information cannot be included.~~

1516. RULE 165 - GENERAL EXCEPTION

~~If a matter that is likely to be a key decision has not been included in the forward plan, then Subject to rule 16-17 (special urgency), where the publication of the intention to make a key decision under Rule 15 is impracticable, that decision may only be made the decision may still be taken if:where:~~

- ~~(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**b**) notice of the matter about which the decision is to be made and the reasons why it has been impracticable to apply Rule 15 has been given in writing to thethe chairman and spokespersons of the relevant Overview and Scrutiny Committee ~~have been informed~~ or in their absence where written notice has been sent to each Member of that Committee and made available at the Chatham Community Hub and on the Councils website and~~
- ~~(b) at least five clear days have elapsed since the notice given in paragraph (a) was made available.~~
~~a notice made available at the Chatham Community Hub, Gillingham Library and Strood Library;~~
- ~~(c) — at least five clear working days have elapsed since these steps have been taken.~~

~~Where such a decision is taken collectively, it must be taken in public unless exempt or confidential information is being considered.~~

1617. RULE 16-17 - SPECIAL URGENCY

~~Where the date by which a key decision must be made makes compliance with Rule 16 (general exception) impracticable the decision may only be made where the decision maker has obtained agreement from the 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 relevant Overview and Scrutiny Committee (or if there is no chairman of the relevant overview and scrutiny committee ~~that person's absence~~ the Mayor and in the Mayor's absence the Deputy Mayor) that the taking of the decision(s) is urgent and cannot ~~be~~ reasonably be deferred.~~

~~As soon as reasonably practicable after the decision maker has obtained this agreement the decision maker must publish a notice in the Forward Plan setting out the reasons that the meeting is urgent and cannot be reasonably deferred which must be made available at Chatham Community Hub and on the Council's website.~~

1718. RULE 17-18 - REPORT TO COUNCIL

4718.1 When an Overview and Scrutiny Committee can require a report

~~Where a relevant If an Overview and Scrutiny Committee thinks that an executive decision has been made and was not treated as a key -decision and the Committee are of the opinion that the decision should have been treated as a key decision the Committee may require the Leader/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 Chief Executive, who shall require such a report on behalf of the Committee when so requested by the chairman. 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 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 Chief Executive, who shall require such a report on behalf of the Committee when so requested by the chairman. Alternatively the requirement may be raised by a resolution passed at a meeting of the relevant Overview and Scrutiny Committee.~~

4718.2 Cabinet report to Council

The Leader/Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within five clear days working days of receipt of the written notice, or of the request from the Committee the resolution of the Committee, then the report may be submitted to the meeting after that. A report to Council under this Rule must include details of the decision and the reasons for the decision, the decision maker by which the decision was made and if the Leader/Cabinet are of the opinion that the decision was not a key decision, the reasons for that decision. ~~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.~~

4718.3 Quarterly reports on special urgency decisions

In any event the Leader will submit, a quarterly- quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in rule 176 (special urgency) in the preceding three months, or annually where there have been none. The report will include the particulars of each decision made and a summary of the matters in respect of which each decision was made. ~~number of decisions so taken and a summary of the matters in respect of which those decisions were taken.~~

1819. RULE ~~18-19~~ - RECORD OF DECISIONS

~~As soon as reasonably practicable a~~After any meeting ~~of of a decision making body at which an executive decision was made~~the Cabinet or any of its Committees, ~~whether held in public or private~~, the Chief Executive or the person presiding at the meeting, will produce a record of every decision ~~made~~taken at that meeting ~~as soon as practicable~~. The record ~~will~~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 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 decision; and~~
- ~~(e) in respect of any declared conflict of interest, a note of any dispensation granted.~~

~~a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.~~

1209. RULE ~~19-20~~ - CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Cabinet will hold all meetings in public except where exempt reports are to be considered.

2021. RULE ~~20-21~~ - NOTICE OF MEETINGS OF THE CABINET

Members of the Cabinet 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.

~~Where a meeting is convened at shorter notice a copy of the agenda and associated reports will be open to inspection from the time the meeting is convened. If an item is added to the agenda later, the revised agenda and additional reports will be open to inspection from the time the item was added to the agenda.~~

~~Notice and papers will also be sent to all other Members of the Council as requested and electronically where possible.~~

~~Copies will also be made available at the Chatham Community Hub Council's main administrative buildings and on the Council's website.~~

2122. RULE ~~21-22~~ - ATTENDANCE AT MEETINGS OF THE CABINET

All Members of the Council are entitled to attend all meetings of the Cabinet. Non-executive Members may be allowed to address meetings of the Cabinet with the ~~Cabinet's Leader's~~ approval in advance. Political assistants may also attend meetings of the Cabinet.

The Chief Executive, the Chief Finance Officer and the Monitoring Officer, together with any director who is a signatory to a report being considered by the Cabinet, and their nominees, are entitled to attend meetings of the Cabinet.

~~Non-executive members wishing to speak should ask the Leader in advance for permission to speak to the Cabinet.~~

2223. RULE 22-23 - DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

2223.1 Reports intended to be taken into account

Where an individual Member of the Cabinet receives a ~~report that~~ report that he/she intends to take into account in making key decisions, the decisions will not come into force until five clearworking days after the decision has been taken.

2223.2 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 the relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

2223.3 Record of individual decisions

~~As soon as reasonably practicable of Within two working days of a Cabinet decision being taken by an individual Member of the Cabinet, or a key decision being taken by an employee,~~ he/she will prepare, or instruct employees to prepare, a record of the decision, a statement including:

- (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 Cabinet 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.

~~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 Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

2324. RULE 243 -- RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF OVERVIEW AND SCRUTINY COMMITTEE ~~OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS~~

2324.1 Rights to copies

Subject to rule ~~2324~~.2 below, a Member of an Overview and Scrutiny Committee (~~including its Sub-Committees~~)-will be entitled to a copy of any copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

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

Subject to 24.2 below where a Member of an overview and scrutiny committee requests a document which fall within (a) or (b) this must be provided by the Cabinet as soon as reasonably practicable and in any case no later than 10 clear days after the request is received by the Cabinet.

2324.2 Limit on rights

No Member of an Overview and Scrutiny Committee will ~~not~~ be entitled to:

- (a) any report document that is in draft form;
- (b) ~~(b)~~—any report or part of a document report or background paper that contains exempt or confidential information, unless that information is relevant to
 - i) an action or decision they are reviewing or scrutinising or
 - ii) any review contained in any programme of work of that Overview and Scrutiny Committee or
- (c) a document or part of a document containing advice provided by a political assistant.
intend to scrutinise;
- ~~(c) —the advice of a political assistant.~~

Where it is determined by the Cabinet 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 above it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

2425. RULE 24-25 - ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF THE COUNCIL

2425.1 Copies of all exempt reports to Council will be provided to all Members and copies of all exempt reports to Committees established by the Council will be provided to the Members of the committee.

25.2 Subject to paragraph 25.4 any document which is in the possession of or under the control of the Leader and Cabinet and contains material relating to any business to be transacted at a public meeting must be available for inspection by any Member of the Council at least five clear days before the meeting. Where the meeting is convened at shorter notice these documents must be available for inspection when the meeting is convened and where an item is added to the agenda at shorter notice the document must be available for inspection when the item is added to the agenda. **Material relating to previous business**

25.3 Subject to paragraph 25.4 any document which is in the possession of, or under the control of the Leader and Cabinet and contains material relating to any business transacted at a private meeting or any decision made by an individual Member of the Cabinet or an officer in accordance with executive arrangements must be available for inspection by any Member of the Council when the meeting concludes or immediately after the decision has been made and this must be within 24 hours. However, copies of all exempt reports to Cabinet will be sent to all Members of the Council.

25.4 Notwithstanding Rules 25.2 and 25.3 nothing in these Rules requires any document to be made 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 unless—All members will be 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 the document contains exempt information of a description falling within paragraph 3 of Schedule 12A to the 1972 Act and as set out in Rule 10.4 (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 paragraph 6. either (a) or (b) below applies:

- (a) — it contains exempt information falling within paragraphs 3 and 6 of the categories of exempt information;
- (b) — it contains the advice of a political adviser.

25.5 Nothing in this Rule requires any document to be made available for inspection if it appears to the Proper Officer that it discloses the advice of a political assistant.

~~Copies of all exempt reports to Council will be provided to all members and copies of all exempt reports to regulatory Committees will be provided to all members of the relevant Committee. In addition, copies of all exempt reports to the Cabinet (or Cabinet Committees or an individual Cabinet member) will be sent to the chairman and Group spokespersons of the relevant Overview and Scrutiny Committee and to the Leaders of all party groups not represented on the Cabinet.~~

~~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 Cabinet or its Committees which relates to any key decision unless paragraph (a) or (b) above applies.~~

~~24.25.63~~ **Nature of rights**

~~—These rights of a Member set out in Rule 25 are additional to any other rights he/she may have.~~

~~24.4~~ **Significant decisions**

~~—A copy of all significant decisions will be circulated to members at least two days prior to the proposed date of implementation of that decision unless the urgency of that decision makes it impractical to do so.~~

References:

Sections 100A – H and schedule 12A Local Government Act 1972

Section 22 of The Local Government Act 2000

Chapter 7, DETR Guidance

[The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\)\(England\) Regulations 2012](#)