

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
Chapter 1 – Summary and Explanation Page 1.3 Section 7 Local People's Rights Para 7.4	Add below bullet point 4 <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 3 – Local People and the Council Page 2.5 Para 3.1 (b) Information	Add additional bullet point <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 an~~the~~ 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 should only be made by memberthe 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:</p> <p>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>