ACCESS TO INFORMATION PROCEDURE RULES

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1. APPLICATION

These rules apply to all meetings of the Council, the Cabinet, Committees and formally appointed subsidiary bodies and Joint bodies (together called meetings). However, they do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. ATTENDANCE AT MEETINGS

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

3. NOTICES OF MEETINGS

The Council will give at least five clear working days' notice (excluding the day of the meeting and day of despatch) of any meeting by posting details of the meeting at Daneshill House, Danestrete, Stevenage.

4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports available for public inspection at the designated office at least five clear working days before the meeting and as far as possible, on the Council's web site. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each report available to the public as soon as the report is completed and sent to Councillors.

5. SUPPLY OF COPIES

The Council will supply copies of and/or make available on the Council's web site:

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 Borough Solicitor thinks fit, copies of any other documents supplied to Councillors in connection with an item.

Should a person or organisation require a copy of an agenda to be posted to them an appropriate charge may be levied.

6. ACCESS TO MINUTES AND RELATED DOCUMENTS AFTER THE MEETING

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

a. The Minutes of the meeting, 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. The agenda for the meeting; and

c. Reports relating to items when the meeting was open to the public.

7. BACKGROUND PAPERS

a. List of background papers

Each report must include a list of those documents (called background papers) relating to the subject matter of the report which:

(i) Disclose any facts or matters on which the report or an important part of the report is based; and

(ii) Which have been relied on to a material extent in preparing the report,

but does not include those which disclose exempt or confidential information (as defined in Rule 9) and in respect of Cabinet reports, the advice of a political advisor.

b. 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.

c. Background Documents to Cabinet Decisions

At least one copy of each of the background documents listed for Cabinet decisions taken must be available for inspection at the Council's offices and on the Council's website.

8. SUMMARY OF PUBLIC'S RIGHTS

These Rules are the written summary of the public's rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Council offices at Daneshill House and on the

web site.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

a. Confidential information – requirement to exclude public

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.

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 exempt information would be disclosed.

b. Exempt information – discretion to exclude public

Exempt information means information falling within the 7 categories (subject to any qualification) set out at (c) below.

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

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

c. Exempt information

Description	Qualification
1. Information relating to any individual.	Information within this category is exempt if and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	Public Interest – as in category 1 above.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt if it is required to be registered under: (a) the Companies Act 1985; (b) the Friendly Societies Act 1974 and 1992; (c) the Industrial and Provident Societies Act 1965 to 1978; (d) the Building Societies Act 1986; or

Description	Qualification
	(e) the Charities Act 1983 Information within this category which is not required to be registered is exempt if and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
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 the Minister of the Crown and employees of, or office holders under, the authority.	Public interest – as in category 1 above.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Public interest – as in category 1 above.
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Public interest – as in category 1 above.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest – as in category 1 above.
7A Information which is subject to any obligation of confidentiality.	Public interest – as in category 1 above.
7B Information which relates in any way to matters concerning national security.	Public interest – as in category 1 above.
7C The deliberations of the	Public interest – as in category 1

Description	Qualification
Standards Committee or of its Sub-Committees, established under the provisions of Part 3 of the Local Government Act 2000, in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	above.

Information falling within any of the above Categories 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. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Chief Executive thinks fit, the Council may exclude access by the public to reports that relate to business which, in accordance with Rule 9, 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.

11. EXECUTIVE BUSINESS TAKEN IN PRIVATE

(a) In addition to rules 9 and 10 above, where the Cabinet or a Committee thereof is to consider a matter in private (under the provisions of Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, at least 28 days' notice must be given on the Council's website. This notice is to include details of the business to be considered, on what date and why the public and press are excluded. Representations maybe made about why the business is to be taken in private and these representations and a statement in response must also be published.

(b) Where this provision cannot be met the business may only be taken in private when agreement has been obtained from the Chair of the Overview and Scrutiny Committee that the business is urgent and cannot reasonably be deferred.

12. PROCEDURES BEFORE TAKING KEY DECISIONS

(a) When a Key Decision is to be taken at least 28 days notice must be given on the Council's website and be available for

inspection at the Council's offices. This notice must state the matter in respect of which the decision is to be made; the name of the body/individual making the decision; on what date; list what documents are to be considered; the address where the document is to be available; that other relevant documents maybe submitted to the decision maker(s); and the procedure for requesting such documents. These provisions do not apply to documentation that may contain any confidential or exempt information.

(b) Where the provisions of (a) above cannot be met the business may only be taken after five clear days of the proper officer having informed the Chair of the Overview and Scrutiny Committee in writing of the matter about which the decision is to be made and why the required 28 days' notice is/was not possible; this notice has been published on the website and is available for inspection at the Council's offices.

(c) Where neither the provisions of (a) or (b) above are not practicable a Key Decision may only be taken when Chair of the Overview and Scrutiny Committee has been given details in writing as to why the decision is urgent and cannot reasonably be deferred and her/his agreement has been given that the decision may be taken under such circumstances. As soon as practicable after such agreement has been given, these details are to be published on the Council's website and made available for inspection at the Council's offices.

Use of the provisions of (c) above must be reported by the Leader, as soon as practicable to the next ordinary meeting of the Council. This report must include details of the decision taken and an explanation as to why these provisions were used.

13. NOTICE OF DECISIONS

As soon as practicable after any meeting of the Cabinet or any of its Committees, the Proper Officer will produce a Notice of Decisions. The Notice will include a statement of the reasons for each decision; any alternative options considered and rejected at that meeting; and any relevant interests declared by members, together with any dispensations they have been granted.

14. DECISIONS BY INDIVIDUAL MEMBERS

Where an individual member intends to take such a decision (as set out in Part 3 of this Constitution) they must have the matter documented and include evidence that the relevant Strategic Director, Senior Officer, Chief Finance Officer (or her/his deputy) and Monitoring Officer (or her/his deputy), or in the case a Local Community Budget Decision, the relevant

Head of Service (or his/her nominee), are content with the decision to be taken. He/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The Notice must also include any relevant interests declared by Members, together with any dispensations they have been granted.

Before any such decision may be implemented, the report thereon must be circulated to all Members of the Council and made available for public inspection, subject to the exempt information rules. The matter will be subject to the Overview and Scrutiny Rules in relation to the call-in provisions before the decision may be implemented.

The provisions of Rules 6 and 7 (inspection of documents after meetings) will also apply to the making of decisions by individual Members.

All Non-Key Decisions taken by Cabinet members will be summarised in a report to the next ordinary meeting of the Cabinet as soon as possible after the decision has been taken. This provision does not apply to Local Community Budget Decisions.

If the decision taken is a Key Decision the provisions of paragraph 12 must apply.

15. KEY DECISIONS TAKEN BY OFFICERS

The provisions for taking Key Decisions, as set out at paragraph 12 above must be followed.

As soon as reasonably practicable after a key decision has been taken by an officer, details of the decision taken, a statement of the reasons for it and any alternative options considered and rejected must be circulated to all Members of the Council and made available for public inspection, subject to the exempt information rules. The matter will be subject to the Overview and Scrutiny Rules in relation to the call-in provisions before the decision may be implemented.

16. ADDITIONAL RIGHTS OF MEMBERS

a. Rights to Documents

Subject to Rule 17(b) below –

any Member of the Council is entitled to inspect any document submitted to the Cabinet or that contains material relating to any business to be transacted in public at least five clear days before the date of the meeting (or as soon as possible if urgency provisions have been applied).

any Member of the Council is entitled to inspect any document submitted to the Cabinet or that contains material relating to any business to be transacted at a private meeting immediately after the meeting concludes; or that relates to any decision taken by an individual Member or officer in accordance with executive arrangements immediately after the decision has been taken.

b. Limits on rights

The provisions of a. above do not apply if it appears to the proper officer that a document discloses exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act (descriptions of exempt information: England) unless the document requested contains information of a description for the time being falling within—

- paragraph 3 of Schedule 12A to the 1972 Act (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 of Schedule 12A to the 1972 Act.

17. OVERVIEW AND SCRUTINY COMMITTEE AND SELECT COMMITTEES ('Scrutiny Members') ACCESS TO DOCUMENTS

a. Rights to copies

Subject to b. below, a Member of the Overview and Scrutiny Committee or a Select Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

(i) Any business that has been transacted at any decision making meeting

(ii) Any decision taken by an individual member of the Cabinet or officer in accordance with executive arrangements

Such documents are to be provided as soon as possible and in any case no later than 10 clear days after the request has been received.

b. Limits on rights

The Scrutiny Members will not be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Where the Cabinet decides that a Member of a Scrutiny Committee is not entitled to a copy of a requested document it must provide that Committee with a written statement setting out its reason for that decision.

18. REPORTS WHERE A KEY DECISION PROCEDURE IS NOT FOLLOWED

Where an executive decision has been taken but was not treated as a key decision and the Overview and Scrutiny Committee is of the opinion that it should have been, that Committee may require the Cabinet to submit a report to the next ordinary meeting of the Council, or sooner if specified.

The report must include details of -

(i) the decision and the reasons for the decision
(ii) Who took the decision; and
(iii) if the Cabinet of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

19. GENERAL

Notwithstanding the above:

a. A Member will not be entitled to examine any document where he/she has an interest under the Council's Code of Conduct.

b. A Member shall not disclose to any person any papers, business or other information of the Council, the Cabinet or Committee indicated as confidential or exempt (as defined in the Access to Information Rules set out in Part 4 of this Constitution) unless:

(i) The Council, the Cabinet or the Committee has taken steps to make that business public;

(ii) The relevant Chair expressly consents; or

(iii) The law requires.

A Member shall not be entitled to inspect personal files on individuals.

c. The Chief Executive or Borough Solicitor can prevent inspection of documents which might be protected by privilege from the relationship of solicitor and client.