

Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, to regulatory committees and to any other formal committees and sub-committees established by the Council (together called meetings).

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law; for example the Freedom of Information Act and the Data Protection Act.

Previously exempt information may subsequently be made available if the reason for exemption no longer applies.

3. Rights to Attend Meetings

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

4. Notices of Meetings

The Council will give at least five clear days' notice of any meeting by publishing details on its website and making copies of such a notice available at its offices at New Shire Hall, Alconbury Weald.

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 designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

Where a report was not open to inspection by members of the public for five clear days before the meeting, it can only be considered at the meeting if the chair is of the opinion that it should be considered as a matter of urgency by reason of special circumstances, which shall be specified in the minutes.

6. Supply of Copies

The Council will supply copies of the following to any person on payment of a charge for postage and any other costs:

- (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 proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

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 minutes of the meeting or records of decisions taken, together with reasons, for all meetings of formal committees and decisions taken by officers as indicated in Rule 8 (Record of Decisions Taken by Officers) below, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record.
- (c) The agenda for the meeting.
- (d) Reports relating to items when the meeting was open to the public.

8. Record of Decisions Taken by Officers

8.1 A written statement will be produced as soon as reasonably practicable after an officer has made a decision either:

- (a) Under an express authorisation from the Council, its committees, sub committees or any joint committee; or
- (b) Under a general authorisation where the effect of the decision is to:
 - (i) Grant a permission or licence;
 - (ii) Affect the rights of an individual;
 - (iii) Award contracts or incur expenditure over £250,000.

This will include:

- (i) A record of the decision including the date it was made;
- (ii) A record of the reasons for the decision;
- (iii) Details of any alternative options considered and rejected by the officer making the decision; and

- (iv) A record of the name of any member of the Council who has declared an interest (for decisions taken under Rule 8.1 (a) (an express delegation) only).

8.2 Any record prepared in accordance with Rule 8.1, together with any background papers considered by the officer and relevant to the decision shall be made available for public inspection.

8.3 Rules 8.1 and 8.2 shall not apply to:

- (a) Routine administrative and operational decisions;
- (b) Decisions on operational matters such as day to day variations in services;
- (c) Decisions if the whole or part of the record contains confidential or exempt information; and
- (d) Decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

9. Background Papers

9.1 List of Background Papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) Disclose any facts or matters on which the report or an important part of the report is based; and
- (b) Which have been relied on to a material extent in preparing the report;
- (c) but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11).

9.2 Public Inspection of Background Papers

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

10. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the New Shire Hall, Alconbury Weald.

11. Exclusion of Access by the Public to Meetings

11.1 Confidential Information – Requirement to Exclude Public

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

11.2 Exempt Information – Discretion to Exclude Public

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. Information is only exempt 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.

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.

11.3 Meaning of Confidential Information

Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by or under any enactment or by the order of a court.

11.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories but subject to the conditions set out in Paragraph 11.5 and interpretation set out in Paragraph 11.6, below:

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).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.
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.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

11.5 Conditions Relating to Exempt Information

1. Information falling within Paragraph 11.4 (3) above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - (a) The Companies Act 1985;
 - (b) The Friendly Societies Act 1974;
 - (c) The Friendly Societies Act 1992;
 - (d) The Industrial and Provident Societies Acts 1965 to 1978;
 - (e) The Building Societies Act 1986; or
 - (f) The Charities Act 1993
2. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
3. Information which:
 - (a) Falls within any of Paragraphs 11.4 (1-7) above; and
 - (b) Is not prevented from being exempt by virtue of Sub-paragraph 1 or 2 above.

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.

11.6 Interpretation of Exempt Information

In Paragraph 11.4 and 11.5:

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

- (a) Any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) Any dispute about a matter falling within Paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that act).

12. 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 their opinion relate to items during which, in accordance with Rule 11, 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.

13. The Forward Plan

13.1 Every month the Council will publish a document which sets out, in respect of each key decision that will be taken on behalf of the Council:

- (a) That a key decision is to be made on behalf of the Council;
- (b) The matter in respect of which a decision is to be made;
- (c) Where the decision maker is an individual, their name and title, if any, and where the decision maker is a body, its name and details of membership;
- (d) The date on which, or the period within which, the decision is to be made;
- (e) Where the decision relates to confidential or exempt information, as defined above, a statement that the decision will be made in private;
- (f) A list of the documents submitted to the decision maker for consideration in relation to the matter;
- (g) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

- (h) That other documents relevant to those matters may be submitted to the decision taker; and
- (i) The procedure for requesting details of those documents (if any) as they become available.

13.2 This notice will be known as the 'Forward Plan' and it will be published at least 28 days before any key decision set out in the document is due to be made. The Forward Plan will be available for inspection by the public at New Shire Hall, Alconbury and will be published on the Council's website.

13.3 Each service committee will publish every month a document which sets out each item to be considered by the said committee including key decisions published in the Forward Plan.

14. General Exception

If 28 days' notice of a matter which is likely to be a key decision has not been provided (via the Forward Plan) because the decision must be taken by such a date that it would be impracticable to defer it, then subject to Rule 15 (special urgency) and to the requirements of the Procedure for Taking Urgent Decisions at Part 4.4(a), the decision may still be taken if:

- (a) The Monitoring Officer has been informed of the reasons for urgency, and is satisfied that the reasons satisfy the criteria for urgent decisions, and that the decision must be taken with less than 28 days' notice;
- (b) The Monitoring Officer has placed notification of the date and nature of the forthcoming decision and the reasons for urgency on the Council's website; and
- (c) At least five clear days have elapsed since the Monitoring Officer complied with conditions (a) and (b).

If the Monitoring Officer is not available to act, then the Chief Executive shall act in their place.

15. Special Urgency

If by virtue of the date by which a decision must be taken Rule 14 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the Chair of the Council, or in their absence the Vice-Chair will suffice.

16. Councillors' Additional Rights

Attendance at Meetings

Part 4.4, Procedure Rules for Committees and Sub-Committee Meetings, set out the provisions that apply to councillors who wish to attend meetings of which they are not a member.

Access to Information

Councillors may request officers to provide them with any information they reasonably require to assist them in fulfilling their responsibilities as elected representatives. However, councillors may not be able to access information which in the opinion of the Monitoring Officer is in draft form, contains confidential or exempt information as defined in this section, or where disclosure would breach the provisions of the Data Protection Act.