

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Executive, Committees, and Sub-Committees (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice, except in the case of special meetings as defined within Council Procedure Rules, of any meeting by posting details of the meeting at Riverside House, Milverton Hill, Royal Leamington Spa and the Warwick District Council website.

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 designated 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 for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (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 Monitoring Officer thinks fit, 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.

7. ACCESS TO MINUTES AND/OR SUMMARIES 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 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; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The author of the report (in consultation with the Head of Members' Services and Monitoring 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 but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

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.

9. SUMMARY OF PUBLICS 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 Council's main offices, Riverside House, and the Warwick District Council website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 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.

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.

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 which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 **Meaning of Exempt Information**

Exempt information means information falling within categories of the Local Government Act 1972 Schedule 12A after the Local Government (Access to Information) (Variation order) 2006.

In the event of any queries about this, contact the Council's Monitoring Officer.

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Monitoring Officer in consultation with the author of the report thinks fit, the Council may exclude access by the public to reports which in their opinion relates 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. **APPLICATION OF RULES TO THE EXECUTIVE**

Rules 13 - 22 apply to the Executive and its Committees. If the Executive or its Committees meet to take a key decision 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 13.03 of this Constitution.

If the Executive or its committees meet to discuss a key decision to be taken collectively, with an officer 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 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least five clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward plans will be prepared by the Monitoring Officer on behalf of the Leader to cover a period of four months, beginning with the first day of any month. 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.

- (a) the topic and purpose of report in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) any delays for the decision being taken and the reason for the delay;
- (e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (f) the means by which any such consultation is proposed to be undertaken;
- (g) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (h) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (i) Contact officer and Portfolio holder for each item

The forward plan must be published at least 14 days before the start of the period covered. The Monitoring Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (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;
- (b) The officer bringing the report forward has gained approval from the Chief Executive, Head of Finance, Monitoring Officer, the Leader and the Chairman of the relevant Overview and scrutiny Committee(s);
- (c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least three clear days have elapsed since the Monitoring Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, because the decision cannot be reasonably deferred, 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 from the Chief Executive, Head of Finance, Monitoring Officer, the Leader and the Chairman of the relevant Overview and scrutiny Committee(s)

17. **REPORT TO COUNCIL**

17.1 **When an Overview and Scrutiny Committee Can Require a Report**

If an Overview and Scrutiny committee thinks that a 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 main agreement with a relevant Overview and Scrutiny Committee chairman, or the chairman/vice chairman of the Council under Rule 16;

The committee may require the executive 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 Monitoring Officer, who shall require such a report on behalf of the committee when so requested by the chairman or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 **Executive's Report to Council**

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.

The report to the 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.

17.3 Quarterly Reports on Special Urgency Decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

The requirements for recording of Executive decisions is set out at Article 13 paragraph 13.03(c) (iii)).

19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Executive will decide whether meetings or parts of meetings relating to matters which are not key decisions will be held in public or private. Only items which contain confidential or exempt information may be taken (see paragraph 10 above) in private.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE (PORTFOLIO HOLDERS) OR OFFICERS WITH DELEGATED AUTHORITY

20.1 Reports Intended to be Taken into Account

Where an individual member of the Executive or an officer with delegated authority receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least three clear days after receipt of that report.

20.2 Provision of Copies of Reports to 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 chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of Individual Decision

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, they will instruct the Monitoring Officer to prepare, a record of the decision, in line with Article 13 paragraph 13.03..

21. OVERVIEW AND SCRUTINY COMMITTEE(S) ACCESS TO DOCUMENTS

21.1 Rights to Copies

An Overview and Scrutiny Committee(s) will be entitled to copies of any document which is in the possession or control of the Executive an individual member of the Executive or an officer and which contains material relating to:

- (a) any business transacted at a public or private meeting of the executive;
or
- (b) any decision taken by an individual member of the executive; or an Officer under delegated powers to make a key decision
- (c) Provided that if the material contains exempt or confidential information that information will not be made available to the public or discussed in public session of an Overview and Scrutiny Committee

21.2 **Limit on Rights**

- (a) An Overview and Scrutiny Committees will not be entitled to any document that is in draft form;
- (b) An Overview and Scrutiny Committees will be entitled to see documents that contain exempt or confidential information provided that such information is not made available to the public and, if debated, this is done with the public excluded.

22. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

22.1 **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 Executive which relates to any key decision unless paragraph (a) or (b) above applies.

22.2 **Nature of Rights**

These rights of members are additional to any other right they may have.