

15 ACCESS TO INFORMATION AND KEY DECISION PROCEDURES

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15.1 Meetings affected by these procedures

The key decision procedures (see 15.14 to 15.19) apply to executive decisions.

The rest of the procedures in this section apply to full Council, Board and committee meetings.

15.2 Other rights to information

These procedures do not affect any other rights to information under the law and this Constitution.

15.3 Public's rights to attend meetings

The public can attend meetings, except when confidential or exempt information is being discussed (see 15.4).

15.4 Exceptions to public's right to attend meetings

(a) Confidential information – ~~Council~~ must meet in private

The ~~Council meeting~~ must meet be conducted in private when confidential information is likely to be discussed.

Confidential information is information that is prevented from being made public by court order or a government department that has provided the information.

(b) Exempt information – ~~Council~~ can meet in private

The ~~Council meeting~~ can meet be held in private when exempt information is likely to be discussed provided that 28 days' notice has been given of that meeting in the forward plan on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private.

Any representations made and the Council's response must be included in the agenda for the meeting.

If notice of a private meeting has not been given in the manner specified it can still take place providing:-

- the chair of the relevant scrutiny committee (or the Lord Mayor or the Lord Mayor's deputy in their absence) agrees; and
- it is included in the forward plan at the earliest opportunity and reasons are given as to why the decision to be made in private cannot wait.

Information is exempt if it would not be in the public interest to publish it and it falls into one or more of the categories set out below identified in Schedule 12A to the Local Government Act 1972:

- Information about individuals

Information relating to any individual (paragraph 2, Schedule 12A, Local Government Act 1972)

Information which is likely to reveal the identity of an individual (paragraph 2).

- Information about someone's finances or business

_____ Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

- Labour relations information

_____ 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 (paragraph 4)

- Information that could be considered legally privileged

_____ Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (paragraph 5)

- Information about legal action

_____ 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 (paragraph 6)

- Information about action to deal with a crime

_____ Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (paragraph 7)

(c) Disorderly conduct – exclusion of members of the public

A member or members of the public can be excluded from the meeting in order to maintain orderly conduct or prevent misbehaviour.

15.5 Reports that are expected to be considered in private

If the Monitoring Officer expects that a report will be considered in private under 15.4, it will not be made available to the public. It will be marked “not for publication” and will say what category of information is involved.

15.6 Notice of meetings

At least five clear working days before each meeting, the Council will post details of the meeting at the town hall and on the Council's website subject to copies being made available to members of the decision-making body first.

15.7 Background papers

Each report will include a list of background papers if there are any. Background papers are papers that have been relied on when writing the report. They do not include published works or documents that contain exempt or confidential information (see 15.4). [All background papers will be published on the Council's website.](#)

15.8 Access to meeting papers before a meeting

The agenda and reports will be available at the town hall at least five clear working days before a meeting subject to copies being made available to members of the decision making body first. If an item or report is added later, it will be made available as soon as it is added.

Copies of the agenda, reports and background papers will be available for public inspection. The agenda, ~~and~~ reports [and background papers](#) will also be available on the Council's website. Members of the public may register for email alerts of the publication of an agenda and accompanying reports. They may also subscribe annually for paper copies subject to payment of a charge.

Councillors will get the papers in advance for any meetings they are going to attend.

15.9 Access to meeting papers after a meeting

For six years after a meeting, the Council will make available:

- ~~The agenda~~ [and](#), reports ~~and background papers~~
- ~~The minutes~~ (except for items that were considered in private because they were exempt or confidential). These will be made available within 10 working days of the meeting and, for executive decisions, they will record the reasons for the decision, any alternatives considered and any interests declared
- ~~A summary of any business that was not open to the public if the minutes available to the public do not give a reasonable record.~~

For four years after the meeting the Council will make available the background papers to a report.

15.10 Summary of the public's rights

A summary of the public's rights to attend meetings and to inspect and copy documents will be available at the town hall.

15.11 Access to documents by members of scrutiny committees

Members of scrutiny committees have a right to copies of any documents seen or controlled by the Board that are relevant to decisions taken by the Board or key decisions taken by officers except for:

- Advice given by a political assistant
- Exempt or confidential information (unless it is relevant to something being scrutinised)
- Any ~~drafts of reports to be considered by the Board~~document in draft form (draft documents approved by the Board for consultation are available for members of scrutiny committees).

15.12 Extra rights of access to information for councillors

Any Councillor can look at any documents seen or controlled by the Board that are relevant to:

- Decisions to be taken by the Board in public
- Decisions taken by the Board in private
- Key decisions taken by officers.

But this does not apply to:

- Information about individuals
- Information about the possible terms of a contract the Council is negotiating
- Labour relations information
- Information that could be considered legally privileged

- Information about action to deal with a crime
- Advice given by a political assistant
- Any document in draft form (except for draft documents approved by the Board for consultation).

This right is additional to any other rights the Councillor has.

15.13 Councillors' duty not to pass on confidential or exempt information

Councillors must not pass on exempt information that has not been made public or confidential information (see 15.4). If they do this, they may be breaking the members' code of conduct (see Section 22).

15.14 Key decisions

A key decision is an executive decision likely to:

- Have a significant effect on people living or working in a least two wards or
- Involve spending or saving a significant amount – whether an amount is significant depends on the Council's total budget for the service involved. For this Council 'significant' in budgetary terms is £500,000 or greater.

15.15 Procedures before taking key decisions

When a key decision is taken, it must have been published in the forward plan (see 15.16) for a period of 28 days before the decision is taken, unless it is urgent (see 15.17).

If a key decision is taken by the Board or a single executive member, the report must say that it is a key decision.

15.16 The forward plan

(a) Period of forward plan

The ~~leader~~ Head of Law and Governance will prepare a forward plan ~~each at least every~~ month. Each plan will start with the first day of the next month and cover four months.

(b) What is in the forward plan?

The forward plan will list:

- ~~Any key decisions that are going to be taken~~
- ~~Any decisions that are going to be taken by the Board~~
- ~~Any decisions that are going to be taken by the Board where the report, in whole or in part, will be taken in private~~

For each decision, ~~it~~ the forward plan will say:

- ~~What the decision is about~~
- ~~Who will take the decision~~
- ~~When the decision will be taken~~
- ~~Who will be consulted and how~~
- ~~How to comment and when by~~

~~Which document the decision takers have been given to consider.~~

~~(c)~~ **Publishing the forward plan**

~~The forward plan must be published at least 14 days before the start of the period it covers.~~

~~At least once a year, the head of law and governance will publish a notice in at least one local newspaper saying that:~~

~~The Council take key decisions~~

~~The forward plan will be prepared each month with information about the key decisions (the notice will give the dates for the following year when each forward plan will be published)~~

~~Each forward plan will cover the next four months~~

~~The public can come to the Council offices and look at the forward plan—this will not cost them anything and they will be able to do it during office opening hours.~~

~~Each plan will list the documents given to decision takers to consider (the notice will give the address where the public can see any documents that are not confidential or exempt—see 15.4)~~

~~Other documents may be given to decision takers (the notice will describe how members of the public can ask for details of these as they become available).~~

~~(d) — Exempt and confidential information~~

~~Exempt information need not be included in the forward plan. Confidential information cannot be included.~~

15.17 Urgent key decisions

~~(a) — Procedure for taking urgent key decisions~~

~~If a key decision has not been included in the forward plan for 28 days, it can still be taken if it is not practicable to put it in the next plan and wait until the start of the first month in that plan 28 days before the decision is taken.~~

~~Before taking a key decision that has not been included in the forward plan, the Hhead of Llaw and Ggovernance must write to the chair of the relevant scrutiny committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.~~

~~The decision cannot normally be taken until five clear days after the chair is told. But the decision can be taken before that if the chair (or the lord mayor if there is no chair) agrees that it is not reasonable to defer it.~~

~~As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and Governance shall make available to the public at the Council's offices and publish on the Council's website a notice saying why 28 days notice has not been given.~~

~~(b) — Three-monthly reports to full Council on urgent key decisions~~

~~The leader will report to full Council every three months on any urgent decisions that have been taken.~~

15.18 Reports to full Council on decisions that were not in the forward plan

~~— The relevant scrutiny committee or its chair or any five of its members can require the Board to report to full Council if a key-decision has been taken that the committee considered should have been treated as a key decision, explaining the reasons for it and why the Board considered the decision not~~

~~to be key that was not in the forward plan (unless it was an urgent decision under 15.17).~~

Normally the Board will report to the next ordinary full Council meeting. But if the next meeting is within seven days of the request for a report, the Board will report to the next meeting after that. ~~The report will say what the decision was and who took it.~~

At least once a year the Leader must report to the Council on the number and nature of key decisions taken under 15.17.

15.19 Key decisions taken by officers

When an officer takes a key decision, notice of it must be given in the forward plan as required in 15.15. The officer must ~~they will~~ produce a record of it as soon as possible. The record will then be published by Democratic Services and the deadline for call in will be as soon as possible within two working days of the decision being published. ~~Theis~~ record of the decision will include the reasons for the decision, any alternatives considered and any interest declared by any Board member they have consulted. Information does not have to be made public under this rule if it is exempt or confidential – see 15.4. ~~A key decision taken by an officer may be called in – see 17.~~

15.20 Executive decisions taken by officers

When an officer takes an executive decision that is not a key decision they must as soon as possible afterwards produce a record of it. This will include the reasons for the decision, any alternatives considered and any interest declared by any Board member they have consulted. Information does not have to be made public under this rule if it is exempt or confidential – see 15.4. The record of the decision taken and any associated reports must be available to the public and published on the Council's website.

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