

## **Part 4B: Access to Information Procedure Rules**

### **1. Scope**

- 1.1 These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Standards Committee and regulatory committees and public meetings of the executive (together called meetings). They also apply to meetings of working parties unless specifically excluded by a working party's terms of reference.

### **2. Additional Rights To Information**

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. In particular, these rules supplement the provisions of the Freedom of Information Act 2000. In the case of any conflict between these rules and the Act, the Act will prevail.

### **3. Rights To Attend Meetings**

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

### **4. Notices Of Meeting**

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at The Guildhall, Market Square, Cambridge and on its web site ([www.cambridge.gov.uk](http://www.cambridge.gov.uk)).

### **5. Access To Agenda And Reports Before The Meeting**

- 5.1 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.
- 5.2 If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the agenda.
- 5.3 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.

### **6. Supply Of Copies**

- 6.1 The Council will supply copies of:
1. any agenda and reports which are open to public inspection;
  2. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  3. if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item
  4. the Forward Plan

to any person on payment of a charge for postage and any other costs.

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### **7. Access To Minutes Etc After The Meeting**

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

1. the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, but excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
2. 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;
3. the agenda for the meeting; and
4. reports relating to items when the meeting was open to the public.

### **8. Background Papers**

#### **8.1 List of background papers**

8.1.1 Every report shall list those documents (called background papers) relating to the subject matter of the report which, in the author's opinion:

1. disclose any facts or matters on which the report or an important part of the report is based; and
2. have been relied on to a material extent in preparing the report except for published works or documents which disclose exempt or confidential information as defined in Rule 10 below.

#### **8.2 Public inspection of background papers**

8.2.1 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 Public's Rights**

9.1 These Rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents, and are kept at and available to the public for inspection at The Guildhall, Market Square, Cambridge.

### **10. Exclusion Of Access By The Public To Meetings**

#### **10.1 Confidential information – requirement to exclude public**

10.1.1 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.

10.1.2 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.

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### 10.2 Exempt information – discretion to exclude public

10.2.1 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.

10.2.2 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.

10.2.3 Exempt information means information falling within the 7 categories (subject to any condition) set out in Appendix 1 to these Rules:

### 11. Exclusion Of Access By The Public To Reports

11.1 If the Director responsible for a report thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate 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

12.1 Rules 13 – 24 apply to the executive and its committees and to decisions to be made by individual members of the executive. 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 defined in Article 12 of this Constitution. Rules 13 to 24 apply in the same way to key decisions to be made by individual members of the executive.

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

12.3 If the Executive meets collectively to take decisions which are not "key decisions", it will also apply Rules 12.1 and 12.2 to those decisions.

### 13. Procedure Before Taking Key Decisions

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

1. a notice (called here a forward plan) has been published in connection with the matter in question;
2. at least 5 clear days have elapsed since the publication of the forward plan; and

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3. 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**

- 14.1.1 Forward plans will be prepared by the Leader (with officer support) 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.

#### **14.2 Contents of forward plan**

- 14.2.1 The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the executive, a committee of the executive, individual members of the executive, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

1. the matter in respect of which a decision is to be made;
2. where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
3. the date on which, or the period within which, the decision will be taken;
4. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
5. the means by which any such consultation is proposed to be undertaken;
6. 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
7. a list of the documents submitted to the decision taker for consideration in relation to the matter.

- 14.2.2 The forward plan must be published at least 14 days before the start of the period covered. The Director of Customer & Democratic Services will publish once a year a notice in at least one newspaper circulating in the area, stating:

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1. that key decisions are to be taken on behalf of the Council;
2. that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
3. that the plan will contain details of the key decisions to be made for the four month period following its publication;
4. that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
5. 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;
6. 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;
7. that other documents may be submitted to decision takers;
8. the procedure for requesting details of documents (if any) as they become available; and
9. 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.

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

### **15. General Exception**

15.1 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:

1. 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;
2. the Chief Executive has informed the chair and any group spokespersons of a relevant overview and scrutiny committee, or if there is no chair, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
3. the Chief Executive has made copies of that notice available to the public at the offices of the Council; and

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4. at least 5 clear days have elapsed since the Chief Executive complied with 2. and 3.

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

### **16. Special Urgency**

- 16.1 If by virtue of the date by which a decision must be taken Rule 15 (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 a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

### **17. Report To Council**

#### **17.1 When an overview and scrutiny committee can require a report**

- 17.1.1 If an overview and scrutiny committee thinks that a key decision has been taken which was not:

1. included in the forward plan; or
2. the subject of the general exception procedure; or
3. the subject of an agreement with a relevant overview and scrutiny committee chair, or the Mayor/Deputy Mayor 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 a majority of the committee. 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**

- 17.2.1 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 7 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 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**

- 17.3.1 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

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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**

18.1 After any meeting of the executive or any of its committees, whether held in public or private, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

### **19. Executive Meetings In Public**

19.1 All executive meetings will be held in public unless the provisions under Rule 10 apply.

### **20. Notice Of Meeting Of The Executive**

20.1 Members of the executive or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

### **21 Decisions By Individual Members Of The Executive**

#### **21.1 Reports intended to be taken into account**

21.1.1 Where an individual member of the executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

#### **21.2 Provision of copies of reports to overview and scrutiny committees**

21.2.1 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.

#### **21.3 Record of individual decision**

21.3.1 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, he/she will prepare, or instruct the Director of Customer & Democratic Services to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. This shall be sent to all members of the appropriate overview and scrutiny committee(s) promptly. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information.

### **22. Overview And Scrutiny Committees Access To Documents**

#### **22.1 Rights to copies**

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22.1.1 Subject to Rule 22.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive or its committees and which contains material relating to

1. any business transacted at a meeting of the executive or its committees; or
2. any decision taken by an individual member of the executive.

### 22.2 Limit on rights

22.2.1 An overview and scrutiny committee will not be entitled to:

1. any document that is in draft form;
2. 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

## 23. Additional Rights Of Access For Members

### 23.1 Material relating to key decisions

23.1.1 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 or its committees which relates to any key decision unless it contains exempt information falling within paragraphs 1,2,4,5 and 7 of the categories of exempt information and the information within paragraph 3 referring to any terms proposed by or to the authority in the course of negotiations for a contract.

### 23.2 Nature of rights

23.2.1 These rights of a member are additional to any other right he/she may have.



## **Appendix 1: Definition of “Exempt Information”**

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.

## **Conditions relating to exempt information**

Information falling within paragraph 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.

Information 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.

Information which—

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

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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.

### **Interpretation of exempt information**

"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).

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### **Cambridge City Council protocol on audio/visual recording and photography at Council meetings.**

The Council is committed to being open and transparent in the way it conducts its decision making. Recording is permitted at council meetings which are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

The rules which the Council will apply are:

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1. Anyone wishing to record must let the Chair of the meeting know and the recording must be overt (i.e clearly visible to anyone at the meeting). The Council will supply signs which will be deployed at any meeting all or part of which is to be recorded.

2. The Chair of the meeting has absolute discretion to stop or suspend recording if in their opinion continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules. The circumstances in which this might occur include :

recording is disrupting the proceedings of the meeting

there is public disturbance or a suspension of the meeting

the meeting has resolved to exclude the public for reasons which are set down in the Council's Constitution

3. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, council meetings make it clear that recording can take place – if anyone does not wish to be recorded they must let the Chair of the meeting know

4. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Council's values or; in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view. Notes for guidance:

Please contact Democratic Services in advance of the meeting if the recording you wish to do involves large equipment or special requirements.

The use of lighting for filming/flash photography is allowed if it is arranged with Democratic Services prior to the meeting. We require this so we can ensure the meeting will not be unduly disrupted and there is a safe environment to transact the business.

A failure to follow these requirements may lead to a request to record being refused at subsequent council meetings.

Recording and reporting the council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.