

Part 4

Section B

INTERIM ACCESS TO INFORMATION

PROCEDURE RULES

CONTENTS

Rule A1	Application of the Interim Access to Information Procedure Rules
Rule 1	Scope
Rule 2	Definitions
Rule 3	Rights to Attend and Report on Meetings
Rule 4	Notices of Meetings
Rule 5	Access to Agenda and Reports Before Meeting
Rule 6	Supply of Copies
Rule 7	Access to Minutes Etc After the Meeting
Rule 8	Background Papers
Rule 9	Summary of Public's Rights
Rule 10	Exclusion of Access by the Public to Meetings
Rule 11	Exclusion of Access by the Public to reports
Rule 12	Business Containing Exempt Information
Rule 13	Public Rights of Appeal
Rule 14	Application of Rules to the Cabinet
Rule 15	Key Decisions
Rule 16	Publicity and procedure in connection with Key Decisions
Rule 17	General exception
Rule 18	Special Urgency
Rule 19	Reports to Council

- Rule 20** **Procedures Prior to Private Meetings**
- Rule 21** **Recording of Executive Decisions made at Meetings**
- Rule 22** **Recording of Executive decisions made by individuals.**
- Rule 23** **Recording of non-executive decisions made by individuals**
- Rule 24** **Overview and Scrutiny Board and Scrutiny Panels
Access to documents**
- Rule 25** **Additional rights of access for members**
- Rule 26** **Rights of Members 'Need to Know'**

ACCESS TO INFORMATION PROCEDURE RULES

A1. Application of the Interim Access to Information Procedure Rules

A1.1 These Rules (“the Interim Access to Information Procedure Rules”) temporarily suspend and supersede the Access to Information Procedure Rules that were adopted by the Council in November 2019 (“the Suspended Access to Information Procedure Rules”).

A1.2 These Rules come into effect on 17 June 2020 and apply to all meetings and decision-making processes that the Suspended Access to Information Procedure Rules would otherwise apply to that take place on or before 6th May 2021 (unless these Rules are rescinded or amended by the Council prior to that date).

A1.3 From 7th May 2021 (or such earlier date as the Council may rescind them) these Rules shall cease to apply and the Suspended Access to Information Procedure Rules shall apply again instead.

1. Scope

1.1 Except as otherwise indicated, Rules 3 to 13 (inclusive) and Rule **26** apply to all meetings of the council, the Overview and Scrutiny Board, Scrutiny Panels, Community Committees, the Standards Committee, Regulatory Panels and other non-executive Committees, and meetings of the Executive (which in Salford is referred to as the ‘Cabinet’) and Committees of the Cabinet (together called “meetings”). Rules 15 to 22 (inclusive) and **24 to 25 (inclusive)** apply exclusively to executive decisions, meetings of the Cabinet (including meetings of Committees of the Cabinet) and documents in the possession of or under the control of the executive part of the Council.

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

2. Definitions

In these rules:

- a) **‘attendance’ at a meeting includes remote attendance by members and attendance by members of the public via remote access – ‘attend’ and ‘attending’ are to be construed accordingly**
- b) **‘decision-maker’ means the decision-making body by which, or the individual by whom a decision is taken**

- c) 'the decision-making body' includes the Cabinet or a committee of the Cabinet
- d) 'executive decision' means a decision made or to be made by a decision-maker in connection with the discharge of a function which is the responsibility of the executive part of the council
- e) 'key decision' has the meaning given in Rule 15
- f) **'meeting' and the 'place' where the meeting is held (or is to be held) are to be construed in accordance with [Regulation 5\(1\)](#) of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the 2020 Regulations').**
- g) **a document being 'open to inspection' (howsoever expressed) includes being published on the website of the Council and the publication, posting or making available of a document at offices of the Council include publication on the website of the council (however, references in these Rules to optionally publishing, posting or making available a document at the offices of the Council shall be taken as referring to physical publication, posting or making available of a document at the aforesaid offices)**
- h) **'open to the public' (howsoever expressed), in relation to a meeting, includes where there is access through remote means including (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person**
- i) **where an additional or alternative means of publishing, posting or making available a document is 'optionally' permitted (howsoever expressed) under these Rules, the taking of that option will be at the discretion of the Monitoring Officer**
- j) 'political adviser or assistant' means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989
- k) **being 'present' (howsoever expressed) at a meeting includes access through remote means mentioned in (h) above.**
- l) 'private meeting' means a meeting, or part of a meeting, during which the public are excluded under Rule 10
- m) 'public meeting' means a meeting which is open to the public in accordance with Rule 3.

- n) 'remote attendance' and 'remote access' are to be construed in accordance with [Regulation 3](#) of the 2020 Regulations.
- o) 'remote meeting' means a meeting where some or all members are in remote attendance and/or where some or all members of the public are attending by remote access.

3. Rights to attend and report on meetings

- 3.1 Members of the public may attend all meetings (as defined in paragraph 1.1), subject only to the exceptions in Rule 10.
- 3.2 While a meeting is open to the public any member of the public attending may report on that meeting by:
 - (a) filming, photographing or making an audio recording of proceedings at a meeting;
 - (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - (c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting, but may be provided outside or after the meeting).

A copy of the Council's protocol concerning the filming, photographing, audio recording or other reporting by the public of proceedings at Council meetings is available from Democratic Services, Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA.

4. Notices of meetings

- 4.1 The council will give at least five clear days notice of any meeting by posting details of the meeting on the council's website (**and, optionally, at the offices of the Council**).
- 4.2 Where the meeting is convened at shorter notice, notice will be posted at the time the meeting is convened.

5. Access to agenda and reports before the meeting

- 5.1 Subject to Rule 11, a copy of the agenda and any report for a meeting will be available for public inspection on the council's website (**and, optionally, at the offices of the Council**).
- 5.2 Any document which is required by Rule 5.1 to be available for public inspection

must be available for at least five clear days before the meeting except that:

- a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened and
- b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda.

6. Supply of copies

6.1 The council will supply copies of:

- a) any agenda and reports which are open to public inspection
- b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda
- c) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

6.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting. **For members of the public attending the meeting by remote access, this requirement is met if the agenda and reports are available to the public by electronic means (including via the Council's website).**

6.3 The council will also supply copies of documents available for public inspection under Rule 7 and Rule 8.2 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

7. Access to minutes etc after the meeting

7.1 The council will make available on the council's website **(and, optionally, at the offices of the Council)** as soon as reasonably practicable after a meeting copies of the following:

- a) the minutes of all meetings, and records of decisions taken, together with reasons, at meetings of the Cabinet], 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.

7.2 The above documents will be retained by the council and be open to inspection for six years after the meeting.

8. Background papers

8.1 List of background papers

The relevant Chief 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) and in respect of executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

The council will make available for public inspection at **the offices of the Council and/or on the Council's website (but always at least the latter** in the case of executive documents) one copy of each of the documents on the list of background papers. Such papers will be available from the time the report (to which they are background papers) is available until four years after the date of the meeting.

9. Summary of public's rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and be available to the public at **offices of the Council and/or the Council's 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 **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 reason of a court order or any enactment.

10.3 **Exempt information – discretion to exclude public**

The public may be excluded from meetings by a resolution passed by the meeting 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.

10.4 **Meaning of exempt information**

- a) Exempt information means information falling within the following descriptions (subject to any notes as listed):

Description		Qualification
1.	Information relating to any individual	Information within paragraph 1 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
2.	Information which is likely to reveal the identity of any individual	Information within paragraph 2 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
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information within paragraph 3 is not exempt information if it is required to be registered under: <ul style="list-style-type: none"> (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 Buildings Societies Act 1986 or (f) the Charities Act 1993

		Subject to the above, information within paragraph 3 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
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	Information within paragraph 4 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
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Information within paragraph 5 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
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	Information within paragraph 6 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
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information within paragraph 7 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

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.

10.5 A member or members of the public may be excluded from a public meeting by use of a lawful power in order to maintain orderly conduct or prevent misbehaviour at a meeting.

10.6 Where one or more members of the public who are remotely accessing the meeting are excluded from the meeting under Rule 10, where possible those members of the public's ability to remotely access or participate in the meeting will be suspended for the duration of their exclusion.

11. Exclusion of access by the public to reports

11.1 If the Monitoring Officer thinks fit, the council may exclude access by the public to the whole or any part of any 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.

11.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 11.1:

- a) every copy of the whole report or part of a report must be marked "Not for Publication" and
- b) there must be stated on every copy of the report:
 - i) that it contains confidential information; or
 - ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

12. Business containing exempt information

12.1 A member of the public may request the chief officer who wrote a report to be considered at any meeting of the council, its committees or the Cabinet to:

- a) recommend that an item of business containing exempt information should be taken in public and / or,
- b) allow them to inspect the report or any background document to a report.

12.2 Such a request must be made:

- a) in the case of the meeting of the Cabinet or committee of the Cabinet where notice has been published under Rule 20.3, at least 6 clear days before the meeting and
- b) in any other case, at least 48 hours before the meeting.

- 12.3 If such a request is refused, the chief officer must give a reason for the decision together with details of the appeal procedure under Rule 13.1.
- 12.4 A decision by a chief officer under Rule 12.3 will remain valid unless altered on appeal to the meeting which is to consider the item concerned.

13. Public rights of appeal

- 13.1 The procedure for appealing against a chief officer's decision in accordance with Rule 12.3 is as follows:
- a) The appellant must write to the Head of Paid Service giving details of the item concerned together with the reason(s) for their request at least 24 hours before the meeting in question. The time of receipt of the appeal must be recorded as any received after this time will be invalid.
 - b) The appeal will be dealt with in private as the first item on the agenda.
 - c) Initially, only the chief officer (or representative) who refused the original request, the Head of Paid Service's representative and the Members concerned may be present.
 - d) The chief officer will report the matter to the meeting giving their reasons for the decision and Members will be allowed to ask questions.
 - e) The appellant will then be called into the meeting and the Chair will summarise the reasons given for the refusal.
 - f) The appellant will give their reason(s) for the request and Members will be allowed to ask questions of the appellant and the chief officer but having regard to the confidentiality of the item.
 - g) Both parties will withdraw and the meeting will then consider and determine the appeal.
- 13.2 Where an appeal relates to the inspection of an exempt document and is not dealt with under Rule 13.1 (being made either after the meeting in question or less than 2 hours before), the following procedural timetable will apply:
- a) The appellant must submit the appeal in writing to the Head of Paid Service within 10 working days of the refusal by the chief officer.
 - b) The relevant body will determine the appeal within 8 weeks of its receipt.

14. Application of rules to the Cabinet

Rules 15 to **22 (inclusive)** and **24 to 25 (inclusive)** apply exclusively to executive decisions, meetings of the Cabinet, and committees of the Cabinet, and documents in the possession or under the control of the executive. Rules 3 to 13 (inclusive) and **26** also apply to meetings of the Cabinet and its committees.

15. Key Decisions

- 15.1 A 'key decision' means an executive decision which is likely:
- a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or
 - b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.
- 15.2 For the purposes of (a) above Salford City Council has determined that 'significant' expenditure or savings are expenditure or savings (including the receipt of loss of income or capital receipts) in excess of £350,000.

16. Publicity and procedure in connection with key decisions

- 16.1 Subject to Rule 17 (general exception) and Rule 18 (special urgency), where a decision-maker intends to make a key decision that decision must not be made unless at least 28 clear days before it is made:
- a) a document is published containing the information set out in Rule 16.2 and
 - b) that document is made available on the council's website (**and, optionally, at the offices of the Council**).
- 16.2 The document published under Rule 16.1 must state:
- a) that a key decision is to made on behalf of the council
 - b) the matter in respect of which the decision is to be made
 - c) where the decision-maker is an individual, that individual's name and title and, where the decision-maker is a body, it's name and a list of its members
 - d) the date on which, or the period within which, the decision is to be made
 - e) a list of documents submitted to the decision-maker for consideration in respect of the matter
 - f) the address from which, subject to any prohibition or restriction on their disclosure, copies or extracts of any document listed are available
 - g) that other relevant documents may be submitted to the decision-maker and

- h) the procedure for requesting details of those documents (if any) as they become available.

16.3 The document referred to above must not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant, but should contain particulars of the matter to be decided.

17. General exception

17.1 Subject to Rule 18 (special urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, the decision may still be made, but only if:

- a) the Monitoring Officer has informed each Member of the Overview and Scrutiny Board (if the decision is one within the remit of the Overview and Scrutiny Board) or otherwise each member of the relevant Scrutiny Panel, , by notice in writing of the matter about which the decision is to be made;
- b) the Monitoring Officer has made a copy of that notice available to the public on the council's website; **(and, optionally, at the offices of the Council)**; and
- c) at least 5 clear days have elapsed since the Monitoring Officer complied with (a) and (b).

17.2 As soon as reasonably practicable after the Monitoring Officer has complied with Rule 17.1(a) and (b), they must make available on **the Council's website (and, optionally, at the offices of the Council)** a notice setting out the reasons why compliance with Rule 16 is impracticable.

18. Special urgency

18.1 Where the date by which a key decision must be made, makes compliance with Rule 17 impracticable, the decision may only be made where the decision-maker may obtain agreement from:

- a) (Dependant on within whose remit the decision lies) the Chair of the Overview and Scrutiny Board or the Chair of the relevant Scrutiny Panel or
- b) if there is no such person, or if the Chair is unable to act, the Ceremonial Mayor or
- c) where there is no Chair of the Overview and Scrutiny Board or relevant Scrutiny Panel, or Ceremonial Mayor, the Deputy Ceremonial Mayor

that the making of the decision is urgent and cannot reasonably be deferred.

- 18.2 As soon as reasonably practicable after the decision-maker has obtained such agreement under Rule 18.1, the decision-maker must make available on **the Council's website (and, optionally, at the offices of the Council)** a notice setting out the reasons that the making of this decision is urgent and cannot reasonably be deferred.

19. Reports to Council

19.1 When a Overview and Scrutiny Board or Scrutiny Panel can require a report

Where an executive decision has been made and:

- a) was not treated as a key decision and
- b) The Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or otherwise the relevant Scrutiny panel are of the opinion that the decision should have been treated as a key decision

the Overview and Scrutiny Board or the relevant Scrutiny Panel (as appropriate) may require the City Mayor, or a Member of the Cabinet, or the Cabinet to submit a report to Council within such reasonable period as the committee may specify (which shall normally be the next scheduled meeting of the council).

19.2 City Mayor and Cabinet's report to council

A report under Rule 19.1 must include details of:

- a) the decision and the reasons for the decision;
- b) the decision-maker by whom the decision was made; and
- c) if the City Mayor and/or a Member of the Cabinet and/or the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

19.3 Reports on special urgency decisions

The City Mayor or the Monitoring Officer will submit reports to the Council on executive decisions taken in the circumstances set out in Rule 18 (special urgency) in the preceding cycle. The report will include the particulars of decisions so taken and a summary of the matters in respect of which those decisions were taken.

20. Procedures prior to private meetings

- 20.1 The Cabinet and any committee of the Cabinet ('the decision-making body') must meet in public except to the extent that the public are excluded under Rule 10.
- 20.2 A 'private meeting' means a meeting, or part of a meeting, of the decision-making body during which the public are excluded.
- 20.3 At least 28 days before a private meeting, the decision-making body, or the Monitoring Officer acting on its behalf, must make available on the council's website (**and, optionally, at the offices of the Council**) a notice of its intention to hold the meeting or part of the meeting in private and a statement of the reasons for the meeting to be held in private.
- 20.4 At least five clear days before a private meeting, the decision-making body or the Monitoring Officer acting on its behalf must make available on the council's website (**and, optionally, at the offices of the Council**) a notice which must include:
- a) a statement of the reasons for the meeting to be held in private
 - b) details of any representations received by the decision-making body about why the meeting should be open to the public, and
 - c) a statement of its response to any such representations.
- 20.5 Where the date by which a meeting must be held makes compliance with these procedures impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from:
- a) the Chair of the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or the Chair of the relevant Scrutiny Panel or
 - b) if there is no such person, or if the Chair is unable to act, the Ceremonial Mayor or
 - c) where there is no Chair or Ceremonial Mayor, the Deputy Ceremonial Mayor
- that the meeting is urgent and cannot reasonably be deferred.
- 20.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 19.5 to hold a private meeting, it must make available on the council's website (**and, optionally, at the offices of the Council**), a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

21. Recording of executive decisions made at meetings

21.1 As soon as reasonably practicable after any meeting of the Cabinet or a committee of the Cabinet at which an executive decision was made, the Monitoring Officer must ensure that a written statement is produced for every executive decision made which includes the following information:

- a) a record of the decision and the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected;
- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

22. Recording of executive decisions made by individuals

22.1 As soon as reasonably practicable after an individual Member has made an executive decision, that Member must produce or instruct the Monitoring Officer to produce a written statement of that executive decision which includes the information specified in Rule 22.3.

22.2 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement including the information specified in Rule 22.3.

22.3 The statement referred to in Rule 22.1 and Rule 22.2 should include:

- a) a record of the decision including the date it was made
- b) a record of reasons for the decision
- c) details of any alternative options considered and rejected when making the decision
- d) a record of any conflict of interest declared by any Cabinet Member who is consulted by the Member or officer which relates to the decision and
- e) in respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service.

22.4 Any written statement produced in accordance with this Rule 22, and any report considered by the individual Member or officer relevant to a decision will be available for public inspection on the council's website (**and, optionally, at the offices of the Council**).

22.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

23. Recording of non-executive decisions made by individuals

23.1 As soon as reasonably practicable after an officer has made a non-executive decision of the type in Rule 23.2, the officer must produce a written statement including the information specified in Rule 23.3.

23.2 The non-executive decisions referred to in Rule 23.1 are those taken:

- (a) under a specific express authorisation; or
- (b) under a general authorisation and the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which materially affects the Council's financial position.

23.3 The statement referred to in Rule 23.1 should include -

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected when making the decision;
- (d) where the decision is taken under a specific express authorisation, the name of any member of the Council who has declared a conflict of interest in relation to the decision.

23.4 Any written statement produced in accordance with this Rule will be available for public inspection on the Council's website **(and, optionally, at the offices of the Council)**.

23.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules .

24. Overview and Scrutiny Board and Scrutiny Panels Access to Documents

24.1 Rights to copies

Subject to Rule 24.3 below, a member of the Overview and Scrutiny Board or a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:

- a) any business transacted at a meeting of the Cabinet or its committees or
- b) any decision taken by an individual Member of the Cabinet or
- c) any decision made by an officer in accordance with executive arrangements.

24.2 Where a member of the Overview and Scrutiny Board or a Scrutiny Panel requests a document under Rule 24.1, the Cabinet must provide the document as soon as reasonably practicable and in any case no later than 10 clear working days after the Cabinet receives the request.

24.3 **Limit on rights**

A member of the Overview and Scrutiny Board or a Scrutiny Panel will not be entitled to:

- a) any document that is in draft form
- b) any document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or any review contained in the committee's programme of work or
- c) any document containing the advice of a political adviser or assistant.

24.4 Where the Cabinet determines that a member of the Overview and Scrutiny Board or a Scrutiny Panel is not entitled to a copy of a document requested, it must provide the Overview and Scrutiny Board or the relevant Scrutiny Panel with a written statement setting out its reasons for that decision.

25. **Additional rights of access for members**

25.1 Subject to Rule 25.3, any document which:

- a) is in the possession or under the control of the Cabinet, and
- b) contains material relating to any business to be transacted at a public meeting

must be available for inspection by any Member of the Council for at least 5 clear days before the meeting except that:

- (i) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened and
- (ii) where an item is added to the agenda at shorter notice, such a document must be available for inspection when the item is added to the agenda.

25.2 Subject to Rule 25.3, any document which is in the possession or under the control of the Cabinet, and contains material relating to:

- a) any business transacted at a private meeting;
- b) any decision made by an individual Member in accordance with executive arrangements, or
- c) any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any Member of the council when the meeting concludes or, where an executive decision is made by an individual Member or officer, immediately after the decision has been made, and in any event no later than 24 hours after the conclusion of the meeting or the decision being made.

25.3 Rules 25.1 and 25.2 do not require a document to be available for inspection if:

- a) it contains advice provided by a political adviser or assistant, or
- b) it appears to the Monitoring Officer to disclose exempt information under paragraphs 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4) or
- c) it appears to the Monitoring Officer to disclose exempt information under paragraph 3 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4), but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract.

25.4 The above rights are in addition to any other right that a Member of a local authority may have.

26. Rights of Members - 'Need to Know'

26.1 In addition, Members will be entitled to access to documents and to attend the confidential part of meetings of Committees and Sub-Committees and public meetings of the Cabinet (even though they are not a member of those bodies) where they can demonstrate a "need to know" in order to perform their duties as Members.

26.2 Subject to Rule 26.3 below, the circumstances where a "need to know" will be treated as arising will include:

- a) Where the matter relates to a sub-committee or a committee of which the Member is a member
- b) Where the matter relates to a committee of the Cabinet where the Member is a Cabinet Member
- c) Where the matter is within the remit of the Overview and Scrutiny Board or a Scrutiny Panel of which the Member is a member
- d) Where the full Council is required to approve the decisions or recommendations of committees, sub-committees or the Cabinet
- e) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole Council
- f) Where the matter relates specifically to a Member's own ward.

26.3 There will not be a 'need to know' if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.

26.4 A Member wishing to see confidential or exempt council, committee, sub-committee, or Cabinet documents or to attend the confidential part of a meeting should make written application to the Monitoring Officer, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform their duties.

26.5 Where access to documents or a meeting is refused by the Monitoring Officer, there will be a right of appeal to the relevant body.

26.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.