

Appendix 1

4.2 **Access to Information Procedure Rules**

4.2.1 **Scope**

4.2.1.1 These rules apply to all meetings of the Council, Scrutiny Boards, and committees. ~~They also apply, where indicated, to, meetings of the Cabinet or executive decisions made by any Cabinet Member or employee~~

Deleted: and public

Deleted: meetings

4.2.1.2 In these Rules, where any rule applies to Cabinet, it shall also apply to:

(i) any committee of Cabinet;

(ii) a joint committee where all the members of the joint committee are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 ;

(iii) a sub committee of a joint committee where all the members are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 ; and

(iv) an area committee of the Cabinet within the meaning of Section 9E of the Local Government Act 2000."

4.2.2 **Additional Rights to Information**

Deleted: (together called meetings) .

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

4.2.3 **Rights to Attend Meetings**

Members of the public may attend all meetings subject only to any exceptions in this Constitution.

4.2.4 **Notice of Meetings and Adjourned and Reconvened Meetings**

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council House, Earl Street, Coventry ("the designated office") and including the details on the Council's website or, where a meeting is convened at shorter notice, at the time that the meeting is convened.

When a meeting is adjourned and reconvened, there must be at least 5 working days notice of the date of that reconvened meeting.

4.2.5 **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 working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Director of Customer and Workforce Services will make each such report available to the

public as soon as the report is printed and sent to Councillors. Where a meeting is convened at shorter notice than that set out in 4.2.4, copies of the agenda and reports open to the public will be made available for public inspection when the meeting is convened. At each of these stages the relevant documentation will be included on the Council's website.

4.2.6 Supply of Copies

4.2.6.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Director of Customer and Workforce Services 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, copying or other necessary charge for transmission. This information will also be made available on the Council's website.

Deleted: and any other costs.This

4.2.7 Access to Minutes and Other Documents After the Meeting

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

- (a) the minutes of the meetings or records of decisions taken, together with reasons, for all meetings of the Cabinet or executive decisions made by any Cabinet Member or employee, 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.

4.2.8 Background Papers

4.2.8.1 List of Background Papers

When a copy of the whole or part of a report for a meeting is made available for public inspection in accordance with 4.2.5, 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 his/her opinion:

Deleted: preparing any report

- (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

4.2.8.2 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 except where in the opinion of the proper officer to do so would be likely to disclose confidential or exempt information or the advice of a political adviser or assistant.

Deleted: or those which disclose exempt or confidential information (as defined in 4.2.10.4) and in respect of Cabinet or Cabinet Member reports, the advice of any political adviser.†]

4.2.9 Summary of the 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 Council House, Earl Street, Coventry.

As the Constitution is available to the public and located on the Council's website, these Rules constitute that written summary.

4.2.10 Exclusion of Access by the Public to Meetings

4.2.10.1 Confidential Information – Requirement to Exclude the 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 to them in breach of the obligation of confidence.

4.2.10.2 Exempt Information – Discretion to Exclude the 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 to them.

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 of the Human Rights Act.

4.2.10.3 Meaning of Confidential Information

Confidential information means information provided to the Council by a Government Department on terms (however expressed) which forbid the disclosure of the information to the public or information the disclosure of which to the public is prohibited by or under any enactment or by order of the court.

Deleted: given

Deleted: which

Deleted: its public

Deleted: which cannot be publicly disclosed by Court Order.

4.2.10.4 Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

Description of exempt information	Qualification	Notes
	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.	Applies to all categories of otherwise exempt information.
1. Information relating to any individual.	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 – see note on public interest at end of table.	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.
2. Information which is likely to reveal the identity of an individual.	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 – see note on public interest at end of table.	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.

Description of exempt information	Qualification	Notes
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>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 – see note on public interest at end of table.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:-</p> <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 2002 e) the Building Societies Act 1986 f) the Charities Act 1993 	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc).</p> <p>Financial or business affairs includes contemplated, as well as past or current activities.</p> <p>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).</p>

Formatted: Centered

Description of exempt information	Qualification	Notes
<p>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.</p>	<p>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 – see note on public interest at end of table.</p>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).</p> <p>Employee means a person employed under a contract of service.</p> <p>Labour relations matter means:-</p> <p>a) any of the matters specified in paragraphs (a) to (g) of section 218 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</p> <p>b) any dispute about a matter falling within paragraph (a) above.</p> <p>(applies to trade disputes relating to office holders as well as employees)</p> <p>Office holder in relation to the authority, means the holder of any paid office appointments 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.</p>

Description of exempt information	Qualification	Notes
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	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 – see note on public interest at end of table.	Privilege lies with the "client" which broadly is the Council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.
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	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 – see note on public interest at end of table.	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).
7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.	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 – see note on public interest at end of table.	

NOTE:

Public Interest

In each case before information can be exempt the Council must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The changes bring the exemptions and access to information into line with those exemptions available under the Freedom of Information Act 2000.

There is no legal definition of what the public interest test is but the following identifies some of the relevant considerations.

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current national debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interests on an issue.
- Facts and analysis behind major policy decisions.
- Knowing reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public health.
- Contingency plans in an emergency.
- Damage to the environment.

4.2.11 Exclusion of Access by the Public to Reports

If the Director of Customer and Workforce Services thinks fit, the Council may exclude access by the public to the whole or any part of a report which in his or her opinion relates to items during which, in accordance with Rule 4.2.10, the meeting is likely not to be open to the public. Such reports will be marked "PRIVATE" together with the category of information likely to be disclosed. To allow the public access to all public information contained in reports, all private reports must be accompanied by a corresponding public report, unless there are extreme exceptional circumstances. (See 5.4.4.21).

4.2.12 Application of Rules to the Cabinet and Cabinet Members and Employees

Rules 4.2.12 to 4.2.21.5 apply to the Cabinet and, where indicated, to executive decisions taken by individual Cabinet Members and employees. If the Cabinet meets to take a key decision then Rules 4.2.1-4.2.11 must also be complied with unless Rule 4.2.15 (general exception) or Rule 4.2.16 (special urgency) apply.

A key decision is as defined in paragraph 2.12.3.5 of this Constitution as one which is likely to:-

- (a) result in the City Council incurring expenditure, making savings, or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

By the term "significant" the Council means a decision which:-

- (a) results in expenditure, savings, income, additional funding or virement of over £500,000 per annum being incurred or achieved and which

Deleted: ¶
A key decision is one which is likely to:-¶

additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or

- (b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

Any decision to implement or take forward an earlier key decision will be deemed not to be a key decision.

This requirement does not include meetings, held solely to brief Councillors.

Deleted: The following

Deleted: s

Deleted: ¶
<#>any decision to implement or take forward an earlier key decision; or ¶
¶
<#>any decision that is delegated to an employee. ¶

4.2.13 Procedure Before Taking Key Decisions

Subject to Rule 4.2.15 (general exception) and Rule 4.2.16 (special urgency), a key decision may not be taken unless:

- (a) a document containing information as set out in Rule 4.2.14 has been published in connection with the matter in question and made available for inspection by the public both at the Council offices and on the Council's website ; and

- (b) at least 28 clear days have elapsed since the publication of the document .

Deleted: working

Deleted: Forward Plan

Deleted: ; and

Deleted: (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4.2.4 (notice of meetings).

Deleted: ¶

Deleted: The Forward Plan

4.2.14 Contents of the Key Decision Document

4.2.14.1 The document referred to in Rule 4.2.13 will contain the following information:

(a) that a key decision is to be 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 a Cabinet Member or employee, that person's name and title and where the decision maker is the Cabinet or a Cabinet committee, its 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 relation to the matter in respect of which the key decision is to be made;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and

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

Deleted: Period of the Forward Plan

Deleted: The Forward Plan will be prepared by the Leader (in consultation with the Chief Executive) to cover a period of four months, beginning with the first day of any month. It 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 and so on.

4.2.14.2 Where, in relation to any matter—

(a) the public may be excluded from the Cabinet meeting at which the matter is to be discussed; or

(b) documents relating to a decision taken by a Cabinet Member or employee need not be disclosed to the public

the document referred to in Rule 4.2.13 will include particulars of the matter but may not contain any confidential information or exempt information, or particulars of the advice of a political adviser or assistant,

- ▼
- ▼
- ▼
- ▼

4.2.15 General Exception for Key Decisions

4.2.15.1 Where it is impracticable to include a matter which is likely to be a key decision in the document referred to in Rule 4.2.13, then subject to Rule 4.2.16 (special urgency), the decision may still be taken if:

(a) the Director of Customer and Workforce Services has informed the Chair of the relevant, Scrutiny Board by notice in writing, of the matter to which the decision is to be made, or, if there is no such person, each member of the relevant Scrutiny Board,

(b) the Director of Customer and Workforce Services has made a copy of that notice available to the public at the offices of the Council and published it on the Council's website; and

(c) at least 5 clear working days have elapsed following the day on which the Director of Customer and Workforce Services complied with (b) and (c).

4.2.15.2 As soon as reasonably practicable after the Director of Customer and Workforce Services has complied with Rule 4.2.15.1, he or she must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 4.2.13 is impracticable.

4.2.15.3 Where such a decision is taken by the Cabinet collectively, it must be taken in public.

- Deleted:** Contents of the Forward Plan
- Deleted:** The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the Forward Plan.
- Deleted:** It will describe the following particulars insofar as the information is available or might reasonably be obtained:
 - ¶ (a) the matter in respect of which a decision is to be made;
 - ¶ (b) 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;
 - ¶ (c) the date on which, or the period within which, the decision will be taken;
 - ¶ (d) the identify of the principal groups whom th... [1]
- Deleted:** Publication of the Forward Plan
 - ¶ The Forward Plan must... [2]
- Deleted:** ¶ (b) that a Forward Plan containing particulars of the matters on which decisio... [3]
- Deleted:** (d) that each Forward Plan will be available for inspection at reasonable hours free of charge at th... [4]
- Deleted:** (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from... [5]
- Deleted:** (h) the procedure for requesting details of documents (if any) as they become available; and¶ ... [6]
- Deleted:** (i) the dates on each month in the following year on which each Forward Plan will be published and availab... [7]
- Deleted:** If
- Deleted:** has not been
- Deleted:** included
- Deleted:** the Forward Plan,
- Deleted:** Scrutiny Co-ordination Committee
- Deleted:** the decision must be taken by such a date that it is impracticable to defer the decision until it has been... [8]

4.2.16 Special Urgency for Key Decisions

4.2.16.1 If by virtue of the date by which a decision must be taken, Rule 4.2.15 (general exception) cannot be followed, then the decision can only be taken if the decision maker has obtained the agreement of the Chair of the relevant Scrutiny Board that the making of the decision is urgent and cannot reasonably be deferred.

Deleted: (if an individual) or the Chair of the decision taking body (or his/her nominee)

4.2.16.2 Where there is no Chair of the relevant Scrutiny Board or the Chair cannot act, the agreement of the Lord Mayor must be obtained. Where there is no Chair of the Scrutiny Board or Lord Mayor, the agreement of the Deputy Lord Mayor must be obtained.

Deleted: Scrutiny Co-ordination Committee

4.2.16.3

4.2.16.3 As soon as reasonably practicable after the decision maker has obtained agreement under this Rule that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

Deleted: who must attend the meeting and confirm that the taking of the decision cannot be reasonably deferred. If the Chair of the Scrutiny Co-ordination Committee is unable to act, then s/he can appoint a nominee to attend the meeting. However, no decisions can be made unless the Chair of the Scrutiny Co-ordination Committee or his/her nominee is present at the meeting at which the urgent item is considered.

4.2.17 Report to Council

4.2.17.1 When a Scrutiny Board can require a report

If a Scrutiny Board thinks that a key decision has been taken which was not:

- (a) included in the document referred to in Rule 4.2.13; or
- (b) the subject of the general exception procedure under Rule 4.2.15; or
- (c) the subject of the special urgency procedure under Rule 4.2.16;

Deleted: Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

Deleted: Forward Plan

the Board may require the Cabinet to submit a report to the Council within such reasonable time as the Board specifies. The power to require a report rests with the Board, but is also delegated to the Chief Executive, who will require such a report on behalf of any Scrutiny Board when so requested by the Chair or any 5 members of that Scrutiny Board. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Board

Deleted: an agreement with the Chair of Scrutiny Co-ordination Committee

4.2.17.2 Cabinet Report to Council

The Cabinet 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 Scrutiny Board, then the report may be submitted to the next meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a key decision, the reasons for that opinion.

Deleted: Leader

4.2.17.3 Reports on Special Urgency Decisions on Key Decisions

The Leader will submit to the Council annually at the first ordinary meeting of the Council in each municipal year, a report on any key decisions taken in the circumstances set out in Rule 4.2.16 (special urgency) in the period since the last report was submitted. The report will include particulars of each decision so taken and a summary of the matters in respect of which those decisions were taken.

Deleted: In any event

Deleted: quarterly reports

Deleted: preceding three months

Deleted: the number of

4.2.18. Procedures Prior to Private Meetings of Cabinet

4.2.18.1 Where the Cabinet intends to hold all or any part of a meeting in private, it will make available for public inspection at the Council offices a notice of its intention to hold the meeting in private at least 28 clear days before the date of the meeting. The notice will also be published on the Council's website and will include a statement of the reasons for the meeting to be held in private.

4.2.18.2 At least 5 clear days before a private meeting, the Cabinet will make available for public inspection at the Council offices a further notice of its intention to hold the meeting in private. The notice will also be published on the Council's website and will include:

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received as to why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

4.2.18.3 Where the date by which a meeting must be held makes compliance with Rule 4.2.18.1 or 4.2.18.2 impracticable, the meeting will only be held in private if the Chair of the relevant Scrutiny Board agrees that the meeting is urgent and cannot reasonably be deferred. Where there is no Chair of the relevant Scrutiny Board or he or she is unable to act, the agreement of the Lord Mayor will be sought and where there is no Lord Mayor, the agreement of the Deputy Lord Mayor will be sought.

4.2.18.4 As soon as reasonably practicable after agreement has been obtained under Rule 4.2.9.3 to hold a private meeting, the Cabinet will make available for public inspection at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred. The notice will also be published on the Council's website.

4.2.18.5 Members of the Cabinet 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

4.2.19 **Record of Decisions**

4.2.19.1 After any formal meeting of the Cabinet, the Director of Customer and Workforce Services or, where no employee was present, the person presiding at the meeting, will produce a record or minute of every decision taken at that meetings as soon as reasonably practicable.

Deleted: whether held in public or private or any Cabinet Member or any Cabinet Committee

The record will include—

- (a) a record of the decision and the date it was made;
- (b) a statement of the reasons for each decision and any alternative options considered and rejected at that meeting;
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

The provisions of Rules 4.2.7 and 4.2.8 (access to documents and background papers after meetings) will also apply to the making of decisions by an individual Cabinet member. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

4.2.19.2 As soon as reasonably practicable after an individual Cabinet Member or an employee has made an executive decision, the Cabinet Member will produce or will instruct the Director of Customer and Workforce Services to produce, and the employee will produce a written statement of that decision. The statement will include—

- (a) a record of the decision and the date it was made;
- (b) a statement of the reasons for each decision and any alternative options considered and rejected by the Cabinet Member or employee when making the decision ;
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member who is consulted by the Cabinet Members or employee and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

Deleted: The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.¶
¶
4.2.19

4.2.20 **Additional Rights of Access to Documents for Members of Overview and Scrutiny Boards and Scrutiny Co-ordination Committee**

4.2.20.1 **Rights to Copies**

Subject to Rules 4.2.21.2 and 4.2.21.2 below, a member of a Scrutiny Board (including a member of any Sub-group) or of Scrutiny and Co-ordination Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or Cabinet Member and which contains material relating to:

- (a) any business that has been transacted at a meeting of the Cabinet; or

Deleted: ¶
In such circumstances, the recorded decision will include the reason for the urgency and the Cabinet Member may be required to explain that reason to the Scrutiny Co-ordination Committee. In such circumstances, the Chair of the Scrutiny Co-ordination Committee or his nominee will be invited to attend the meeting, (paragraphs 4.2.16.1 and 4.4.10 refer).

Deleted: Cabinet Member; or

- (b) any decision that has been taken by an individual Cabinet Member in accordance with executive arrangements ;
- (c) any decision that has been taken by an employee in accordance with executive arrangements

4.2.20.2 Any documents requested must be provided as soon as is practicable, and in any case no later than 10 clear days after receipt of the request.

4.2.20.3 Limit of Rights

A member of a Scrutiny Board will not:

- (a) have an automatic right to any document that is in draft form;
- (b) be entitled to 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 to any review contained in any programme of work of such a Board or Sub- Group ; or
- (c) be entitled to a copy of a document or part of a document containing the advice of a political adviser or assistant (if any).

Deleted: intend to scrutinise

4.2.21 Additional Rights of Access for Members

4.2.21.1 Material Relating to Business to be Transacted

Deleted: Previous

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or Cabinet Member and contains material relating to any business to be transacted at a public meeting unless either (a) or (b) below applies.

Deleted: previously

- (a) it appears to the proper officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it appears to the proper officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information 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; or
- (c) it appears to the proper officer that it contains the advice of a political adviser or assistant .

Deleted: contain

4.2.21.2 Any document which is required by Rule 4.2.21.1 to be available for inspection by a member will be available for inspection for at least 5 clear days before the meeting except that—

- (a) where the meeting is convened at shorter notice, the document will be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, the document will be available for inspection when the item is added to the agenda.

4.2.21.3 **Material Relating to Previous Business**

Deleted: Key Decisions

Subject to Rule 4.2.21.4, all members will be entitled to inspect any document which is in the possession or control of the Cabinet and contains material relating to —

- (a) any business transacted at a private meeting;
- (b) any decision made by an individual Cabinet Member under executive arrangements ; or
- (c) any decision made by an employee under executive arrangements

4.2.21.4 Members shall not be entitled to inspect documents referred to in Rule 4.2.21.3 where—

- (a) it appears to the proper officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it appears to the proper officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information 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;
- (c) it appears to the proper officer that it contains the advice of a political adviser or assistant .

4.2.21.5 Where members are entitled to inspect any document in accordance with Rule 4.2.21.3, the document will be available for inspection:

- (a) when the meeting concludes; or
- (b) where an executive decision is made by an individual Cabinet Member or employee, immediately after the decision has been made; and
- (c) in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

4.2.21.6 **Nature of Rights**

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

Deleted: 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 Cabinet or any Cabinet Member which relates to any key decision unless paragraph (a) or (b) above applies.