

ACCESS TO INFORMATION PROCEDURE RULES

Scope

1. These rules apply to all formal meetings of the council, cabinet, cabinet committees (if any), scrutiny committee, select committees, standards committee, audit committee, planning applications committee, licensing committee and subcommittees, Norwich Highways Agency committee, Norfolk joint museums committee, Norfolk joint records subcommittee and Norwich area museums committee.
2. All key decisions (see definition in paragraph 3) are to be taken collectively by the cabinet and therefore these rules do not refer to decisions taken by individual members and officers.

Key decisions

3. A 'key decision' means a decision which is likely to either:-
 - (a) result in the council incurring expenditure which is, or making savings which are, significant in relation to the council's total budget for the service or function to which the decision relates (for these purposes the presumption is that "significant" means any sum exceeding whichever is greater of the thresholds established by the European public contracts directive 2004/18/EC for local government in respect of contracts for supplies or services), or;
 - (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the Norwich city area.

Additional rights to information

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

Rights to attend meetings

5. Members of the public may attend all meetings of all the bodies listed in paragraph 1, subject only to the exceptions in these rules.

Notice of meetings

6. The council will give at least five clear days' notice of any meeting listed in paragraph 1. (above) by posting details of the meeting at City Hall and on its website.

Access to agenda and reports before the meeting

7. The council will publish the agenda and reports (that are not exempt from publication) on its website at least 5 clear days before the meeting.

8. If an item is added to the agenda later, the supplementary agenda will be published.
9. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public.

Access to minutes etc after the meeting

10. The council will make available copies of the following for six years after a meeting:
 - (a) the minutes of all meetings excluding any part of the minutes which discloses exempt or confidential information and also excluding, if appropriate in the opinion of the Monitoring Officer any part of the minutes of proceedings when the meeting was not open to the public;
 - (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.

Background papers

11. The executive head of business relationship management and democracy 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:
 - (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 paragraph 18) and, in respect of reports to the cabinet, the advice of a political assistant.
12. Background papers are published on the council's website and available for public inspection at City Hall.
13. 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.

Summary of public rights

14. The public rights to attend meetings is set out in Article 3 of the council's constitution.

Exclusion of access by the public to meetings

15. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted that confidential information would be disclosed.
16. 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.
17. 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.
18. 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.

Meaning of exempt information

19. Exempt Information means information falling within the nine categories as set out in the following table:

Category	
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: <ol style="list-style-type: none"> (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.
8(7A)	Information which is subject to any obligation of confidentiality.
9(7B)	Information which relates in any way to matters concerning national security.

20. 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.

21. Information which falls within the 7 exempt categories, and is not prevented from being exempt by virtue of paragraph 20 or the qualification for category 3 above, 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.

Exclusion of access by the public to reports

22. If the executive head of business relationship management and democracy 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 paragraph 18, 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.

Application of rules to the cabinet

23. A notice must be published on the council’s website 28 clear days in advance of each cabinet meeting, detailing all the agenda items that are key decisions or for which the public will be excluded.
24. The council will include on the notice, all items to be considered at the meeting, not just the key decisions and exempt items.
25. The regulations require the notice to state that the agenda and reports will be available on the website and for inspection at City Hall, five clear days in advance.
26. A report that is not included on the notice, cannot be considered at the cabinet meeting unless:-
 - (a) if it is an exempt item:-
 - (i) the executive head of business relationship management and democracy obtains the agreement of the chair of scrutiny committee (if he /she not available then the Lord Mayor; if he/she not available then the vice chair of scrutiny);
 - (ii) once the above agreement is given, a notice setting out the reasons it is urgent and why it cannot reasonably be deferred is published at city hall and on the website.
 - (b) if it is a key decision:-
 - (i) the executive head of business relationship management and democracy has informed the chair of scrutiny committee (if he /she not available then the Lord Mayor; if he/she not available then the vice chair of scrutiny committee) in writing of the matter about which the decision is to be made and published a notice setting out the reasons why it is impractical to give the required 28 days’ notice.

- (ii) there are five clear days between notifying the chair of scrutiny committee (or Lord Mayor/vice chair of scrutiny committee as set out in (i) above) and the decision being made;
 - (iii) and if (ii) above cannot be complied with, the chair of scrutiny committee (if he /she not available then the Lord Mayor, if he/she not available then the vice chair of scrutiny) gives agreement and a notice setting out the reasons it is urgent and why it cannot reasonably be deferred is published at City Hall and on the website.
27. If representations are received about why an exempt item should be considered in public these will need to be detailed in a public notice five clear days in advance of the meeting.

Report to council

28. Where a cabinet decision has been made and;
- (a) was not treated as being a key decision, and,
 - (b) scrutiny committee is of the opinion that the decision should have been treated as a key decision;

scrutiny committee may require cabinet to report to council within such reasonable period as the committee may specify.

29. A report under paragraph 28 (above) must include details of the:-
- (a) decision and the reasons for the decision;
 - (b) reasons the cabinet is of the opinion that the decision was not a key decision.

Record of decisions

30. After any meeting of the cabinet or any of its committees the executive head of business management and democracy will produce a record of every decision taken at that meeting as soon as practicable.
31. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.
32. A meeting of the cabinet may only take place in the presence of the executive head of business management and democracy or his/her nominee with responsibility for recording and publicising the decisions.
33. The head of paid service, the chief finance officer and the monitoring officer and their nominees are entitled to attend any meeting of the cabinet and its committees.

Scrutiny committee and select committees - access to documents

34. Subject to paragraph 35 below, the scrutiny committee or select committees will be entitled to copies of any document which is in the possession or control of the cabinet or its committees and which contains material relating to any business transacted at a meeting of the cabinet or its committees.
35. The scrutiny committee or select committees will not be entitled to –
 - (a) any document that is in draft form;
 - (b) 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; or,
 - (c) the advice of a political adviser.

Additional rights of access for members

36. All members will be entitled to inspect any document which is in the possession or under the control of the cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies:
 - (a) it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or
 - (b) it contains the advice of a political adviser.
37. 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 its committees which relates to any key decision unless paragraph (a) or (b) applies.
38. These rights of a member are additional to any other right he/she may have.