

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**CONSTITUTION**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To propose changes to the council's Constitution in relation to its working arrangements for 2012/2013 following new regulations and changes to working practices.

**2. BACKGROUND INFORMATION**

- 2.1 The Local Government Act 2000 required the council to adopt a Constitution. The Constitution is a "living document" which requires frequent amendment to keep up with changes made by the council to its management structure and procedures and following the receipt of new legislation.

**ISSUES FOR CONSIDERATION**

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 At the meeting of cabinet held on 20 September 2012 it was reported that the government had published the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The regulations came into force on Monday 10 September 2012 and revoked the previous regulations which govern meetings of the executive and how executive decisions are recorded. The new regulations cover various elements of the executive decision making process including meetings of the executive (cabinet), key decisions, the recording of executive decisions, background papers, dispensations, members' rights of access to information, reports from the leader, inspection of documents by members of the public and other general issues. At that meeting of cabinet it was agreed that officers should continue to consider the regulations and submit a report to this meeting of council including proposed changes to the council's Constitution to take account of the changes brought about by the new regulations.

- 3.3 Following further consideration of the regulations it is now necessary to update the council's Constitution to accommodate the changes brought about by the new regulations.
- 3.4 A number of professional organisations including the Association of Council's Secretaries and Solicitors had requested an urgent meeting with the Department for Communities and Local Government (DCLG) to seek some clarity about certain elements of the regulations. In particular, these related to decisions taken by officers. As a result of these discussions it is understood that guidance will be issued on the regulations by the DCLG at the end of November.
- 3.5 Members will also be aware that following the election of a Police and Crime Commissioner in Humberside the Humberside Police Authority ceased to exist at midnight on 21 November 2012. It is necessary therefore to amend the council's Constitution to take out any references to the Humberside Police Authority particularly in relation to questions.
- 3.6 At two recent petition panel hearings there was some discussion about the access of the public/press to panel meetings. To avoid similar issues arising in the future it is proposed to amend the relevant procedure rule to clarify this matter by inserting the following words in Part D Rule D1.34 (c) (iv).

**At the discretion of the Panel, and subject to the agreement of the petitioners, the public/press may be allowed into the panel meeting to observe the proceedings.**

**Note: Petition panel hearings are not formal meetings of the Council and the requirements of the Access to Information Regulations do not therefore apply.**

- 3.7 One of the requirements of the new regulation requires the Leader of the Council to submit a report to the council at least annually containing details of each executive key decision taken where the decision was agreed as urgent. Since the new regulations came into force no key decisions have been taken under the special urgency provisions.
- 3.8 Appendix A attached sets out the proposed changes to the Access to Information Procedure Rules of the Constitution to take account of the new regulations, subject to the further guidance to be issued by the DCLG.

#### **4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 4.1 There are no staffing, financial, property or IT implications associated with this report.

## **5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

5.1 Changes to the council's Constitution must be approved by the council in accordance with the Local Government Act 2000.

## **6. OUTCOMES OF CONSULTATION**

6.1 The proposed changes to the Constitution are as a result of the details referred to above and were the subject of a comprehensive report to Cabinet on 25 September, 2012.

## **7. RECOMMENDATIONS**

7.1 To consider approving the changes to the council's Constitution as detailed in paragraphs 3.5 and 3.6 and the attached appendix to the report.

7.2 To authorise the Chief Executive to make other incidental or consequential amendments to the Constitution following the publication of the further DCLG guidance referred to in paragraph 3.4 above.

7.3 To authorise the Chief Executive in consultation with the Monitoring Officer and the Chairman of the Standards Committee to deal with the granting of any dispensations to members who have declared a conflict of interest in decisions taken or to be taken.

### **DIRECTOR OF POLICY AND RESOURCES**

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Date: 13 November 2012  
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### **Background Papers used in the preparation of this report:-**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Report to Cabinet 25 September, 2012.

## **PART D RULE 2 - ACCESS TO INFORMATION PROCEDURE RULES**

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NOTE - these rules are based on the latest regulations which may be subject to further amendment.

### **D2.01 SCOPE AND DEFINITION**

- 1.1 These rules apply to all meetings of the Council, Scrutiny Panels, Area Committees (if any), the Standards Committee and Regulatory Committees and Public Meetings of the Executive (together called "meetings").
- 1.2 In this part 'key decision' has the same meaning as in Article B13.03 (a) to (c).

### **D2.02 ADDITIONAL RIGHTS TO INFORMATION**

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

### **D2.03 RIGHTS TO ATTEND MEETINGS**

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

### **D2.04 NOTICES OF MEETING**

The Council will give at least 5 clear days notice of any meeting by posting details of the meeting at Civic Centre, Ashby Road, Scunthorpe (the designated office), except where in accordance with the Rules the meeting is convened at shorter notice.

The Council is committed to and will endeavour to give similar notice at its network of Local Link offices and on its web site.

### **D2.05 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 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Director of Policy and Resources shall make each such report available to members of the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

In addition the Council is committed to and will endeavour to make such items available at its Local Link offices and on its web site.

## **D2.06 SUPPLY OF COPIES**

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 Policy and Resources thinks fit, copies of any other documents supplied to councillors in connection with an item

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

## **D2.07 ACCESS TO MINUTES ETC. AFTER THE MEETING**

The Council will make available copies of the following for 6 years after a meeting:

- (a) The minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive, 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.

## **D2.08 BACKGROUND PAPERS**

### **8.1 List of Background Papers**

The author of every report will set out in that 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 Rule D2.10) and, in respect of Executive reports, the advice of a political adviser.

## 8.2 Public Inspection of Background Papers

The Council will make available for public inspection for 4 years after the date of the meeting one copy of each of the documents on the list of Background Papers. **These documents will also be published on the Council's website unless they contain exempt or confidential information.**

## D2.09 SUMMARY OF 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 Civic Centre.

These rules constitute the written summary.

## D2.10 PROCEDURE PRIOR TO PRIVATE MEETINGS

### 10.1 If a decision making body decides to hold a meeting in private, at least 28 days before a meeting it must

(a) **Make available at the offices of the relevant authority a notice of its intention to hold a meeting or part of a meeting in private.**

(b) **Publish that notice on the Council's website**

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

### 10.2 At least five clear days before a private or part private meeting the decision making body must

(a) **Make available at the offices of the council a further notice of its intention to hold a meeting or part meeting in private.**

(b) **Publish that notice on the Council's website.**

**That notice must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public and a statement of its response to such representations.**

**10.3 Where the date by which a meeting must be held makes compliance with the above arrangements impracticable, the meeting may only be held in private where the decision making body has obtained agreement from**

**(a) The Chairman of the relevant Overview and Scrutiny Committee or**

**(b) If there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Mayor, or**

**(c) Where there is no Chairman of either the relevant Overview and Scrutiny Committee or the Council, the Deputy Mayor**

**That the meeting is urgent and cannot reasonably be deferred.**

**10.4 As soon as reasonably practicable after the decision making body has obtained agreement to hold a private meeting, it must**

**(a) Make available at the offices of the council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and**

**(b) Publish that notice on the Council's website.**

## **D2.11 EXCLUSION OF ACCESS BY THE PUBLIC AND MEDIA TO MEETINGS**

**11.1 Confidential Information - Requirement to Exclude Public**

The public including media 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.

**11.2 Exempt Information - Discretion to Exclude Public**

The public including media 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.

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.

### 11.3 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 court order.

### 11.4 Meaning of Exempt Information

Exempt information is defined in Schedule 12A of the Local Government Act 1972 (as amended) and means information falling within the following 7 categories (subject to the qualifications listed in Part II of that schedule):-

- (a) Information relating to any individual.
- (b) Information which is likely to reveal the identity of an individual.
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (d) 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.
- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (f) Information which reveals that the authority proposes -
  - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person;
  - or
  - (ii) to make an order or direction under any enactment.
- (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In addition to the above which relate to all meetings there are additional categories of exempt information which apply to the Standards Committee when it is considering matters referred by an Ethical Standards Officer in accordance with sections 64(2) and 71(2) of the Local Government Act 2000.

- (h) Information relating to the personal circumstances of any person.
- (i) Information which is subject to any obligation of confidentiality.

- (j) Information which relates in any way to matters concerning national security.
- (k) The deliberations of a Standards Committee or sub-committee in reaching any finding in relation to any such matter.

#### **11.5 Qualifications: England**

- (a) Information falling within paragraph (c) above is not exempt information by virtue of that paragraph if it is required to be registered under -
  - (i) the Companies Act 1985[3];
  - (ii) the Friendly Societies Act 1974[4];
  - (iii) the Friendly Societies Act 1992[5];
  - (iv) the Industrial and Provident Societies Acts 1965 to 1978[6];
  - (v) the Building Societies Act 1986[7]; or
  - (vi) the Charities Act 1993[8].
- (b) 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[9].
- (c) Information which -
  - (i) falls within any of paragraphs 10.4 (a) to (g) above; and
  - (ii) is not prevented from being exempt by virtue of paragraph 10.5 (a) or (b) 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.

#### **D2.12 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Director of Policy and Resources thinks fit, the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of the information likely to be disclosed.

## D2.13 APPLICATION OF RULES TO THE EXECUTIVE

Rules D2.14 - 26 apply to the Executive and its committees. If the Executive or its committees meet to take a key decision then it must also comply with Rules D2.01 - 11 unless Rule D2.16 (General Exception) or Rule D2.17 (Special Urgency) apply. A key decision is defined in Article B13.03 of this Constitution.

If the Executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the ~~Forward Plan~~ by which it is to be decided, appropriate notice then it must also comply with Rules D2.01 - 11 unless Rule 16 (General Exception) or Rule 17 (Special Urgency) apply. A key decision is defined in Article B13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## D2.14 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule D2.16 (General Exception) and Rule D2.17 (Special Urgency) a key decision may not be taken unless:

- (a) A Notice (~~called here a Forward Plan~~) has been published in connection with the matter in question **at least 28 days before a key decision is made.**
- ~~(b) At least 5 clear days have elapsed since the publication of the Forward Plan; and~~
- (b) Where the decision is to be taken at a meeting of the Executive or a Committee of the Executive notice of the meeting has been given in accordance with Rule D2.04 (Notice of Meetings)

## ~~D2.15 THE FORWARD PLAN~~

### ~~14.1 Period of Forward Plan~~

~~Forward Plans will be prepared by the Leader to cover a period of 4 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

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, Area Committees 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 insofar as the information is available or might reasonably be obtained:

- (a) The matter in respect of which the 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 identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) The means by which any such consultation is proposed to be undertaken;
- (f) 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;
- (g) A list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be published at least 14 days before the start of the period covered. The Director of Policy and Resources will publish once a year a notice in at least one newspaper (if possible the Council's own magazine distributed to every household) circulating in the area, stating:

- (a) That key decisions are to be taken on behalf of the Council;
- (b) That a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis.
- (c) That the plan will contain details of the key decisions to be made for the 4 month period following its publication;
- (d) That each plan will be available for inspection at reasonable hours free of charge at the Council's offices at Pittwood House and its network of local link offices;
- (e) 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;

- (f) 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;
- (g) That other documents may be submitted to decision takers;
- (h) The procedure for requesting details of documents (if any) as they become available; and
- (i) 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

Exempt information need not be included in the Forward Plan and confidential information cannot be included.

## **2.15 PUBLICITY IN CONNECTION WITH KEY DECISIONS**

**Where a decision maker intends to make a key decision, that decision must not be made until a document has been published which states**

- (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 an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, 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 the 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.**

**At least 28 clear days before a key decision is made, the document referred to above must be made available for inspection by the public**

- (a) at the offices of the council, and**

- (b) on the council's website.

Where, in relation to any matter

- (a) the public may be excluded from the meeting at which the matter is to be discussed, or
- (b) documents relating to the decision need not be disclosed to the public,

**the document referred to above must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.**

## **D2.16 GENERAL EXCEPTION**

~~If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule D2.16 (Special Urgency) the decision may still be taken if:~~

- ~~(a) 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;~~
- ~~(b) The Director of Policy and Resources has informed the Chairman and Vice Chair of a relevant Scrutiny Panel, or if there is no such person, each member of that panel in writing, by notice, of the matter to which the decision is to be made;~~
- ~~(c) The Director of Policy and Resources has made copies of that notice available to the public at the offices of the Council; and~~
- ~~(d) At least 5 clear working days have elapsed since the Director of Policy and Resources complied with sub paragraphs (b) and (c) above.~~

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

**Where the publication of the intention to make a key decision is impracticable, the decision may only be made**

- (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;**

- (b) where the proper officer has made available at the offices of the council for inspection by the public and published on the council's website, a copy of the notice given pursuant to the above (a); and
- (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to above.

Where the above applies to any matter, paragraph 2.15 need not be complied with in relation to that matter

As soon as reasonably practicable after the proper officer has complied with the above he or she must

- (a) make available at the offices of the council a notice setting out the reasons why compliance with paragraph 2.15 is impracticable; and
- (b) publish that notice on the council's website.

## **D2.17 SPECIAL URGENCY**

~~If by virtue of the date by which a decision must be taken Rule D2.15 (General Exception) cannot be followed then the decision can only be taken if the decision taker (if an individual) or the Chairman (or, in the Chairman's absence the Vice Chair) of the body making the decision obtains the agreement of the Chairman or, in the Chairman's absence the Vice Chair of a relevant Scrutiny Panel that the taking of the decision cannot reasonably be deferred. If there is no Chairman or Vice Chair of a relevant Scrutiny Panel, or if the Chairman or Vice Chair of each relevant Scrutiny Panel is unable to act then the agreement of the Mayor, or in his/her absence, the Deputy Mayor will suffice.~~

**Where the date by which a key decision must be made, makes compliance with paragraph 2.16 impracticable, the decision may only be made where the decision maker has obtained agreement from**

- (a) the chairman of the relevant overview and scrutiny committee, or
- (b) if there is no such person, of if the chairman of the relevant overview and scrutiny committee is unable to act, the mayor, or
- (c) where there is no chairman of either the relevant overview and scrutiny committee or of the council, the deputy mayor,

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

**As soon as reasonably practicable after the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must**

- (a) make available at the offices of the council a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred, and**
- (b) publish that notice on the council's website.**

## **D2.18 REPORT TO COUNCIL**

### **18.1 When a Scrutiny Panel can require a report**

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

- (a) treated as being a key decision, or**
- (b) are of the opinion that the decision should have been treated as a key decision**
- ~~(c) The subject of an agreement with a relevant Scrutiny Panel Chairman or the Mayor/Deputy Mayor of the Council under Rule D2.16;~~

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 Director of Policy and Resources, who shall require such a report on behalf of the Committee when so requested by the Chairman or Committee or any 5 members. Alternatively the requirement may be raised by Resolution passed at a meeting of the relevant Scrutiny Panel.

### **18.2 Executive's Report to Council**

~~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 working 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~~

~~In any event the Leader will submit quarterly reports to the Council on Executive decisions taken in the circumstances set out in Rule~~

D2.16 (Special Urgency) in the preceding 3 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.~~

**The Executive Leader must submit to the council at least annually a report containing details of each executive key decision taken during the period since the last report was submitted to the authority where the making of the decision was agreed as urgent**

**A report submitted for the purposes of the above must include**

- (a) particulars of each decision made, and**
- (b) a summary of the matters in respect of which each decision was made.**

## **D2.19 RECORD OF DECISIONS**

After any meeting of the Executive or any of its Committees, whether held in public or private, the Director of Policy and Resources will produce a record of every decision taken at that meeting as soon as practicable. The record will 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 by the decision making body at the meeting at which the decision was made**
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision and**
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the council's Head of Paid Service.**

## **D2. 20 EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

## **D2.21 NOTICE OF PRIVATE MEETING OF THE EXECUTIVE**

Members of the Executive or its Committees will be entitled to receive 5 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.

## **D2.22 ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE**

- (a) All members of the Executive will be served notice of all private meetings of committees of the Executive, whether or not they are members of that committee.
- (b) All members of the Executive are entitled to attend a private meeting of any committee of the Executive although they may not speak unless the members of the committee/sub committee agree.
- (c) The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its committees. The Executive may not meet unless the Director of Policy and Resources has been given reasonable notice that a meeting is to take place.
- (d) A private Executive meeting may only take place in the presence of the Director of Policy and Resources or his nominee with responsibility for recording and publicising the decisions.
- (e) The provisions of Rule D2.19 (Recording and Publicising Decisions) will apply.

## **D2.23 DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE**

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

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 working days after receipt of that report.

### **23.2 Provision of copies of reports to Scrutiny Panels.**

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 Scrutiny Panel as soon as reasonably practicable, and make it publicly available at the same time.

### 23.3 Record of Individual Decision

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 instruct the Director of Policy and Resources to prepare, a record of every decision. The record will 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 by the member/officer when making the decision**
- (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision and**
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the council's Head of Paid Service**

The provisions of Rules D2.07 and D2.08 (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 or advice from a political adviser.

An individual member of the Executive will only make an Executive Decision in the presence of the relevant director, or his nominee, and the Director of Policy and Resources, or his nominee, with responsibility for recording and publicising the decision.

## **D2.24 INSPECTION OF DOCUMENTS FOLLOWING EXECUTIVE DECISIONS**

**24.1 After a meeting of a decision making body at which an executive decision has been made, or after an individual member or officer has made an executive decision the Director of Policy and Resources must ensure that a copy of –**

- (a) any records prepared in accordance with the above and**
- (b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with paragraphs 2.19 and 23.3, where only part of the report is relevant to such a decision, that part,**

**Must be available for inspection for members of the public as soon as reasonably practicable at the offices of the council and on the council's website.**

## **D2.25 OVERVIEW AND SCRUTINY PANEL ACCESS TO DOCUMENTS**

### **25.1 Rights to Copies**

Subject to Rule 25.2 below a Scrutiny Panel (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

- (a) any business transacted at a public or private meeting of the Executive or its committees; or
- (b) any decision taken by an individual Member of the Executive.

### **25.2 Limit on Rights**

A Scrutiny Panel 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.

## **D2.26 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **26.1 Materials relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive 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 (a) to (k) of the Categories of Exempt Information; or
- (b) It contains the advice of a political adviser.

**26.2** Material relating to key decisions

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 paragraph 26.1(a) or (b) above applies.

**26.3 Any document which is required to be available for inspection by a member of the council must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.**

**26.4 Where a member of an overview and scrutiny panel requests a document the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.**

**26.5** Nature of Rights

These rights of members are additional to any other rights they may have.