

4.2 PART 4.2 — ACCESS TO INFORMATION PROCEDURE RULES

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4.2 – 1 SCOPE

These Rules apply to all meetings of the Full Council, overview & scrutiny committees, the Standards and Appeals Committee, regulatory boards and public meetings of the Cabinet (together called meetings).

4.2 – 2 ADDITIONAL RIGHTS TO INFORMATION

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 the exceptions in these Rules or as otherwise excluded by law.

4.2 – 4 FILMING OR RECORDING MEETINGS

A member of the public may report on a public meeting (e.g. by filming, photographing or making an audio recording) provided that he/she does not act in a disruptive manner. However, oral reporting or oral commentary as it takes place by a person present specifically will not be permitted in order to prevent disruption to the effective conduct of the meeting in the wider public interest.

Every agenda for a meeting to be held in public shall contain the following statement:

“The Council welcomes the use of social media, filming and recording at meetings, provided they do not disrupt or otherwise have an adverse effect on the meeting. Mobile phones and other such devices should be switched to silent mode or switched off completely. Oral reporting or commentary is not allowed within the meeting room but may be conducted from outside. Any speaker not wishing to be filmed should make this clear at the start of their speech. The ruling of the Chairman at the meeting is final and may not be challenged”.

4.2 – 5 NOTICES OF MEETING

The Council will give at least five clear days' public notice of any meeting by posting details of the meeting at the Town Hall, Market Place, Ripley, Derbyshire and on the Authority's website.

4.2 – 6 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Authority will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons

has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda. Where a meeting is convened at short notice and five days notice cannot be given (e.g. Licensing Panels) a copy of the agenda and reports open to the public shall be available for inspection at the time the meeting is convened.

4.2 – 7 SUPPLY OF COPIES

The Authority 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.
- (c) If the Executive Director (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 postage and any other costs.

NB. Where the Authority is not the copyright owner, and has no permission from that copyright owner, no document shall be permitted by or on behalf of the Authority to be copied by any means (including electronic scanning) in order not to infringe the relevant copyright.

4.2 – 8 ACCESS TO MINUTES ETC. AFTER THE MEETING

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

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

4.2 – 9 ACCESS TO VERBATIM NOTES

In accordance with good practice, the Authority does not normally make verbatim notes of its meetings. Minutes are usually confined to salient points and accurately record what decisions

(if any) were made rather than the actual full proceedings.

Where, however, verbatim notes are made of public meetings, these shall be made available on the Authority's website and at Ripley Town Hall for inspection. Copies may also be made available on payment of a charge.

4.2 – 10 BACKGROUND PAPERS

4.2 – 10.1 LIST OF BACKGROUND PAPERS

The Executive Director (Resources) will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the Executive Director (Resources):

- (a) Disclose any facts or matters on which the report or an important part of the report is based.
- (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 4.2 - 12.3 and 4.2 - 12.4 below) and in respect of Cabinet reports, the advice of any political advisor.

4.2 – 10.2 PUBLIC INSPECTION OF BACKGROUND PAPERS

The Authority 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.

4.2 – 11 SUMMARY OF PUBLIC'S RIGHTS

These Rules are a summary of the public's rights to attend meetings and to inspect and copy public documents which must be kept at and available to the public at Ripley Town Hall.

Separate leaflets are available at Ripley Town Hall or on the Authority's website on the public's rights under the Freedom of Information Act, the Authority's policies under that legislation and its Publication Scheme.

4.2 – 12 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

4.2 – 12.1 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. There is no discretion.

4.2 – 12.2 EXEMPT INFORMATION — DISCRETION TO EXCLUDE 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.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the European Convention on Human Rights 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.

4.2 – 12.3 MEANING OF CONFIDENTIAL INFORMATION

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed under any enactment or by Court Order.

4.2 – 12.4 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 IF IT RELATES TO PROPOSED DEVELOPMENT FOR WHICH THE LOCAL PLANNING AUTHORITY MAY GRANT ITSELF PLANNING PERMISSION PURSUANT TO REGULATION 3 OF THE	APPLIES TO ALL CATEGORIES.
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	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.

DESCRIPTION OF EXEMPT INFORMATION	QUALIFICATION	NOTES
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	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.
3. Information relating to the financial or business affairs of any particular person (including the Authority holding that information).	<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). Information falling within Paragraph 3 is not exempt information by virtue of that Paragraph if it is required to be registered under:</p> <p>(a) The Companies Acts (as defined in section 2 of the Companies Act 2006)</p> <p>(b) Friendly Societies Act 1974</p> <p>(c) Friendly Societies Act 1992</p> <p>(d) The Co-operative and Community Benefits Societies Act 2014</p> <p>(e) Building Societies Act 1986</p> <p>(f) Charities Act 2011.</p>	<p>The Authority is a reference to the principal Council or, as the case may be, the committee or Sub-committee 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>

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 sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls 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).</p> <p>(b) Any dispute about a matter falling within Paragraph (a).</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>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</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</p>	<p>Privilege lies with the 'client' which broadly is the Authority. Seek the view of the relevant Chief Office whether they wish to waive legal privilege.</p>
<p>6. Information which reveals that the Authority proposes:</p> <p>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person or</p> <p>(b) To make an order or direction under any enactment.</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 Sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc.).</p>

DESCRIPTION OF EXEMPT INFORMATION	QUALIFICATION	NOTES
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a 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).	

4.2 – 13 PUBLIC INTEREST

The Information Commissioner has published detailed guidance on the relevant factors to be taken into account when applying the public interest test and the weight to be applied to them although this will vary according to the individual circumstances of a particular case.

The following are some potentially 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 – 14 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Executive Director (Resources) or the Monitoring Officer think fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 4.2 – 12, 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.

4.2 – 15 APPLICATION OF RULES TO THE CABINET

Rules 4.2 – 1 to 4.2 – 28 apply to the Cabinet unless Rule 4.2 – 18 (general exception) or Rule 4.2 – 19 (special urgency) apply.

If the Cabinet meets 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, then it must also comply with Rules 4.2 – 1 to 4.2 – 12 unless Rule 4.2 – 18 (general exception) or Rule 4.2 – 19 (special urgency) apply.

A 'key decision' is one which relates to an executive function and is defined in [Article 13.3](#) of this Constitution. This requirement does not include meetings for which the sole purpose is for Officers to brief Members.

4.2 – 16 PROCEDURE BEFORE TAKING KEY DECISIONS

There must normally be advance notification to the public of an intention to make a key decision.

Subject to Rule 4.2 – 18 (general exception) and Rule 4.2 – 19 (special urgency), a key decision may not be taken unless:

- (a) A notice (called here a Forward Plan Notice) has been published in connection with the matter in question.
- (b) At least twenty eight clear days have elapsed since the publication of the Forward Plan Notice.
- (c) Where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with Rule 4.2 – 4 (notice of meetings).

The [flowchart](#) below sets out the procedure.

4.2 – 17 KEY DECISIONS AND EXEMPT/CONFIDENTIAL REPORTS

4.2 – 17.1 PUBLIC NOTICE OF KEY DECISIONS AND EXEMPT/CONFIDENTIAL REPORTS

A Forward Plan Notice listing key decisions and the titles of any exempt/confidential reports will be published at least 28 [clear days](#) (not including the date of the meeting nor the date that

the notice is published, but inclusive of weekends and public holidays) prior to the date of the Cabinet meeting where those items are due to be considered. In respect of exempt/confidential items, the notice will also include a statement of the reasons for that part of the meeting to be held in private.

The Forward Plan notice will be available for inspection at the Town Hall, Ripley and on the Council's website and in practice will be updated at least 28 days before each Cabinet meeting.

Whenever exempt/confidential reports are due to be considered at a Cabinet meeting and they have been listed on the Forward Plan Notice, an additional public notice specifying the exempt/confidential report titles must also be published at least five clear working days prior to the Cabinet meeting. This additional public notice must include a statement of the reasons why the exempt/confidential report(s) are to be considered in private, details of any representations received by the decision making body about why the meeting should be open to the public and a statement of the Council's response to any such representations.

4.2 – 17.2 CONTENTS OF FORWARD PLAN

The Forward Plan will contain matters which the Cabinet has reason to believe will be subject of a key decision to be taken by the Cabinet, Officers, or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which a decision is to be made.
- (c) where the decision maker is an individual, his/her name and title, if any and, where the decision taker is a body, its name and a list of its membership.
- (d) the date on which, or the period within which, the decision will be taken.
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter.
- (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;

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

NB. Confidential information is excluded and exempt information may be excluded or particulars of advice of a political adviser or assistant.

4.2 – 17.3 PUBLICATION OF THE FORWARD PLAN

The Forward Plan notice must be published at least 28 clear days before the start of the period covered. Publication will be by way of a notice on the Council's website and will also be displayed on the notice board in the Barrel Vault at the Town Hall, Ripley, Derbyshire.

4.2 – 18 GENERAL EXCEPTION TO REQUIREMENT TO INCLUDE

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 4.2 – 19 (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 Executive Director (Resources) has informed the chairman of the relevant overview and scrutiny committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made.
- (c) The Executive Director (Resources) has made copies of that notice available to the public at the Town Hall, Ripley and on the Authority's website, and, as soon as practicable after doing so, has made a notice available at the Town Hall, Ripley and on the Authority's website setting out the reasons why compliance with the requirement to include in the Forward Plan was impracticable.
- (d) At least five clear days have elapsed since the Executive Director (Resources) complied with (b) and (c)) (meaning that such decision may be taken on 'day 7').

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

The [flowchart](#) below sets out the procedure.

4.2 – 19 SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 4.2 – 18 (general exception)

cannot be complied with, then the decision can only be taken if:

- 1) the decision maker obtains the agreement that the making of the decision is urgent and cannot be reasonably deferred
 - (a) from 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, from the Mayor; or
 - (c) where there is neither the chairman of the relevant overview and scrutiny committee nor the Mayor, from the Deputy Mayor

and

- 2) as soon as reasonably practicable after such agreement has been obtained, a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred has been made available at the Town Hall, Ripley and published on the Authority's website.

The [flowchart](#) below sets out the procedure.

4.2 – 20 GENERAL EXCEPTION AND SPECIAL URGENCY PROCEDURES FOR KEY DECISIONS

Whenever it is necessary to use either of these procedures the decision maker shall, in consultation with the Executive Director (Resources), proceed as follows:

(a) **GENERAL EXCEPTION:**

In respect of the Chairman of the relevant overview & scrutiny Committee send him/her a written notice of the matter. The written notice shall, so far as is practicable, be in the standard format for Cabinet reports and endorsed with a note explaining why it was not possible to include the matter in the Forward Plan. The written notice shall be sent electronically or delivered by hand. The Chairman shall acknowledge receipt of the notice preferably by telephone or electronically but failure to do so will not invalidate any action taken by the decision maker. The same procedure shall apply if written notice is required to be sent to each Member of the relevant overview & scrutiny committee

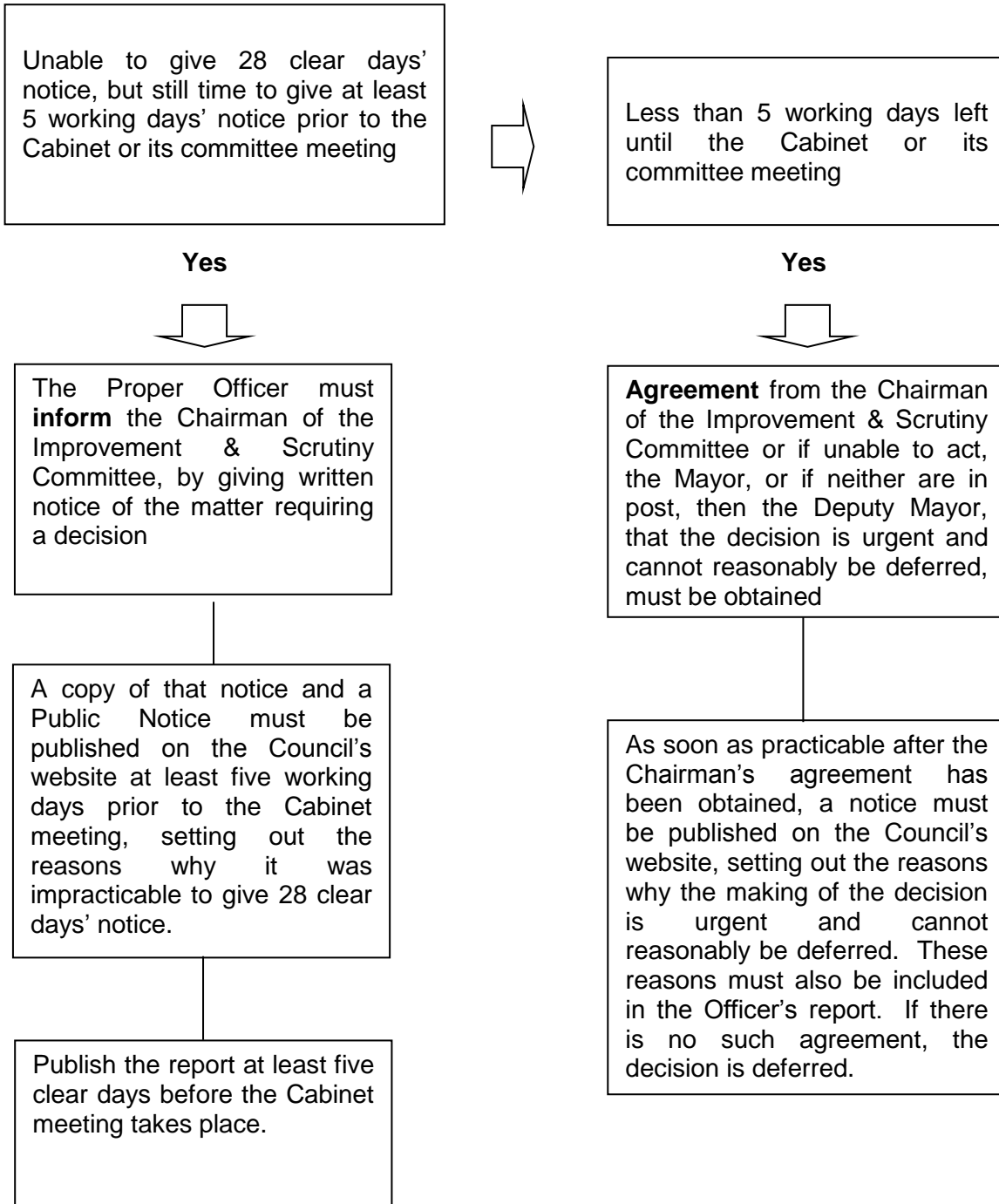
(b) **SPECIAL URGENCY:**

In obtaining any agreement send the Chairman of the relevant overview & scrutiny committee (or if he/she is unable to act the Mayor or where there is neither Chairman nor Mayor, the Deputy Mayor) written notice in the standard format for Cabinet reports,

which shall be endorsed with a note explaining why it was not possible to include the matter in the Forward Plan. The written notice shall be sent electronically or delivered by hand.

Where there is insufficient time to give written notice the decision taker shall give an oral account of the issue to the Chairman (or if he/she is unable to act the Mayor or where there is neither Chairman nor Mayor, the Deputy Mayor) and the Member's agreement or otherwise that the making of the decision is urgent and cannot reasonably be deferred, shall be recorded by the decision maker and the Member subsequently required to confirm his/her decision in writing with reasons being given.

Flowchart for procedure to follow regarding the Intention to take Key Decisions without 28 clear-days' notice



4.2 – 21 REPORT TO COUNCIL

4.2 – 21.1 WHEN AN OVERVIEW & SCRUTINY COMMITTEE CAN REQUIRE A REPORT

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

- (a) Included in the Forward Plan.
- (b) The subject of the general exception procedure under Rule 4.2 – 18
- (c) The subject of an agreement with an overview and scrutiny committee Chairman, or the Mayor/Deputy Mayor under Rule 4.2 – 19.

the Committee may require the Cabinet 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.

4.2 – 21.2 CABINET'S 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 seven days of receipt of the written requirement of the relevant overview and scrutiny committee for the Cabinet to submit a report to the Council, then the report may be submitted to the meeting after that.

The report to Council will set out the decision and the reasons for the decision, the individual who or body which made the decision, and if the Leader/Cabinet is of the opinion that it was not a key decision the reasons for that opinion.

4.2 – 21.3 QUARTERLY REPORTS ON SPECIAL URGENCY DECISIONS

The Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 4.2 – 19 (special urgency) in the preceding three months.

The report will include the number of decisions so taken, particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

4.2- 22 ADVANCE NOTIFICATION REQUIREMENT WHERE CABINET MEETING

IS TO BE HELD IN PRIVATE

There must normally be advance notification to the public of an intention of the Cabinet or its committee to hold a meeting in private, whether or not a key decision is made.

Subject to Rule 4.2 – 23 (exception), a meeting of the Cabinet or its committee cannot be held in private unless:

- (a) a notice of its intention to hold the meeting in private (including a statement of the reasons for the meeting to be held in private) has been made available at the Town Hall, Ripley and published on the Authority's website at least 28 clear days before that meeting;

and

- (b) a further notice of its intention to hold the meeting in private (including 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 any such representations) has been made available at the Town Hall, Ripley and published on the Authority's website at least 5 clear days before that meeting.

4.2 – 23 EXCEPTION TO PRIVATE MEETING ADVANCE NOTIFICATION

Where the date by which a meeting of the Cabinet or its committee must be held makes compliance with the advance notification requirements in Rule 4.2 – 22 impracticable, the private meeting may only be held where:

- (1) the Cabinet or its committee 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 neither the chairman of the relevant overview and scrutiny committee nor the Mayor, the Deputy Mayor

that:

- (i) the meeting is urgent
- and
- (ii) that the meeting cannot reasonably be deferred

and

- (2) as soon as practicable after obtaining such agreement, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred must be made available at the Town Hall, Ripley and on the Authority's website.

4.2 – 24 WRITTEN RECORD OF DECISIONS OF CABINET OR ITS COMMITTEE(S)

After any meeting of the Cabinet or its committee(s), whether held in public or private, the Executive Director (Resources) or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The written record will include a statement of the reasons for each decision any alternative options considered and rejected at that meeting and any interests declared.

The written 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 maker when making the decision;
- (d) a record of any conflicting 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 Head of Paid Service

4.2 – 25 OFFICERS

The Executive Directors, and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committee(s). The Cabinet and its committee(s) may not meet unless the Executive Director (Resources) has been given reasonable notice that a meeting is to take place.

4.2 – 26 ACCESS TO DOCUMENTS

4.2 – 26.1 RIGHTS TO COPIES

Subject to Rule 4.2 – 26.2 below, the Improvement and Scrutiny Committee and the Corporate Governance and Audit Board shall be entitled to copies of any document which is in the possession or control of the Cabinet and its committee(s) and which contains material relating to any business transacted at a public or private meeting of the Cabinet or its committee(s), a decision taken by an individual Member of the Cabinet or any key decision taken by an Officer on a Cabinet function so long as the document relates to the functions of the Committee or Board.

4.2 – 26.2 LIMIT ON RIGHTS

The Improvement and Scrutiny Committee and the Corporate Governance and Audit Board shall 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 review or scrutinise.
- (c) The advice of a political adviser.

4.2 – 27 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

4.2 – 27.1 MATERIAL RELATING TO PREVIOUS BUSINESS

All Members of the Council shall be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committee(s) 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 [Paragraph 3](#) (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract) or [Paragraph 6](#) of the categories of exempt information.
- (b) It contains the advice of a political adviser.

4.2 – 27.2 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 Cabinet or its committee(s) which relates to any key decision unless Paragraph 4.2 – 27.1 (a) or (b) above applies.

4.2 – 27.3 NATURE OF RIGHTS

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

4.2 – 28 WRITTEN RECORDS OF INDIVIDUAL EXECUTIVE DECISIONS

4.2 – 28.1 EXECUTIVE FUNCTION DECISIONS BY AN INDIVIDUAL MEMBER

As soon as reasonably practicable after an individual Cabinet Member has made an executive

decision as a Portfolio Member, that Member must produce or instruct the Executive Director (Resources) to produce a written statement of that executive decision which shall 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 Cabinet Member when making the decision;
- (d) a record of any conflict of interest declared by any Cabinet Member consulted by the Member 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.

NB. Such a written statement must not contain confidential information and may not include exempt information or the advice of a political adviser or assistant.

The rules relating to the [call-in](#) of Cabinet decisions set out in 4.5 – 14 also apply to decisions made by individual members.

4.2 – 28.2 EXECUTIVE FUNCTION DECISIONS BY AN OFFICER

As soon as reasonably practicable after an Officer with delegated authority from the Leader/Cabinet or its committee(s) has made an executive decision, the Officer must produce a written statement of that decision which shall 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 Officer when making the decision;
- (d) a record of any conflict of interest declared by any Cabinet Member who is consulted by the 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.

NB. Such a written statement must not contain confidential information and may not include exempt information or the advice of a political adviser or assistant.

The rules relating to the [call-in](#) of Cabinet decisions set out in 4.5 – 14 also apply to decisions made by individual officers.

4.2 – 29 WRITTEN RECORD OF INDIVIDUAL COUNCIL FUNCTION DECISIONS

4.2 – 29.1 WRITTEN RECORD OF DECISION BY WARD COUNCILLOR UNDER SECTION 236 ARRANGEMENTS

Where the Leader has made arrangements under section 236 of the Local Government and Public Involvement in Health Act 2007 for the discharge of a function to the extent that the function is exercisable in relation to the electoral division or ward for which the Member is elected, that Member must:

- (a) ensure that a record is made in writing of any decision made or action taken in connection with the discharge of that function; and
- (b) within one month of the date on which the decision is made, or action taken, provide the record to the Authority.

4.2 – 29.2 WRITTEN RECORD OF CERTAIN DELEGATED DECISIONS OF OFFICERS

Where an Officer has been granted delegated authority to discharge council functions by the Council, its committees, its sub-committees or by a joint committee in which the Council participates, the Officer shall produce, (as soon as is reasonably practicable after the decision) for public inspection at the Town Hall, Ripley and on the Authority's website, a written record of any public decision made (excluding confidential information and any excluded exempt information)

- (a) under a specific express authorisation; and/or
- (b) under a general authorisation to take such a decision and the effect of such 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, in either case, materially affects the Authority's financial position.

The Authority regards £10,000 or 5% of the budget whichever is the greater as materially affecting the Authority's financial position.

Such written record shall contain the following information:-

- (a) the date the decision was taken;
- (b) a record of the decision taken along with the reasons for the decision;

- (c) details of alternative options, if any, considered and rejected; and
- (d) where the decision was made under a specific express authorisation, the names of any Member of the Council who has declared a conflict of interest in relation to the decision.

The date the decision was taken in (a) above and a record of the decision taken along with the reasons for the decision in (b) above do not need to be recorded again where there is already another statutory requirement to record such information which has been complied with (but there is still a requirement to record (c) and (d) details).