

**Proposed changes to the Constitution arising from the Local Authorities
(Executive Arrangements) (Meetings and Access to Information) (England)
Regulations 2012**

Part 2 - Articles of the Constitution

2.01 Rights of Members of the Public

Members of the Public have the following rights.

(a) **Voting and referendum petitions**

Members of the Public on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information**

Members of the Public have the right to have access to information as set out in the Access to Information Procedure Rules at Part 4 of this Constitution.

They also have the right under the Freedom of Information Act 2000 to request information in the possession of the Council and to receive such information subject to certain defined exceptions.

They have a right to make representations about why a meeting of the Executive or its Committees or part of such a meeting, should be open to the public when notice of an intention to meet in private is published

Part 3- Responsibility for Functions

CHIEF EXECUTIVE

Add

11. To act as the Proper Officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Part 4 - Rules of Procedure

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees and Sub-Committees, Regulatory and other committees and public meetings of the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at County Offices, Newland, Lincoln LN1 1YL - and on the Council's Web-site.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

At least 5 clear working days before the meeting the Council will make copies of the following documents available for inspection by members of the public at County Offices, Newland, Lincoln and publish these documents on the Council's website

- a) the agenda for the meeting; and
- b) any reports which are to be made available to the public in accordance with these procedure rules.

Where the meeting is convened at less than 5 clear working days notice in accordance with Rule 15 or 16, a copy of the agenda and associated reports will be made available for inspection at the time the meeting is convened.

If an item is added to an agenda after it has been made publicly available, the revised agenda and any report relating to the item for consideration will be made available for inspection from the time the item was added to the agenda.

Where reports are prepared after the summons has been sent out, each such report will be made available to the public as soon as the report is completed and sent to Councillors.

6. 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 Monitoring Officer 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.

Copies will be freely available on the Council's website

Except during any part of a public meeting during which the public are excluded, the Council will make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council 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 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.

A copy of the minutes of the County Council, the Executive, Committees and Sub-Committees will be available for public inspection ~~at in the office of the Assistant Chief Executive,~~ County Offices, Newland, Lincoln on weekdays during office hours. Minutes will also be available on the Council's [webInternet](#) site, accessible from libraries. .

8. BACKGROUND PAPERS

8.1 List of background papers

The Monitoring Officer will ensure that Officers writing reports comply with their obligations to 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 Rule 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 four years after the date of the meeting one copy of each of the documents on the list of background papers [at in the office of the Assistant Chief Executive, County Offices, Newland, Lincoln on weekdays during office hours and these documents will also be available on the Council's website.](#)

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9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is on the website and is available to the public at County Offices, Lincoln.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings [during an item of business](#) 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.

“Confidential” information is

- a) information provided to the Council by a government department ~~upon~~ terms which forbid the disclosure of that information to the public; or
- b) information the disclosure of which to the public is prohibited by or under any enactment or by order of a court.

10.2 Exempt information – discretion to exclude public

The public may by resolution of the meeting concerned be excluded from meetings [during an item of business](#) 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.

Exempt information means information falling within one or more of the categories specified in the left hand column of the following table subject to any condition specified in respect of that category in the right hand column of the following table:

SCHEDULE 12A

Description of exempt information	Qualification
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.
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/
3. Information relating to the financial or business affairs of any particular person including the authority holding that information)	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –

	<p>(a) the Companies Act 1985</p> <p>(b) the Friendly Societies Act 1974</p> <p>(c) the Friendly Societies Act 1992</p> <p>(d) the Industrial and Provident Societies Acts 1965 to 1978</p> <p>(e) the Building Societies Act 1986</p> <p>(f) the Charities Act 1993</p>
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Description of exempt information	Qualification
<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.</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.</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.</p>
<p>7. Information relating to any action taken or to be taken in connection</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public</p>

with the prevention, investigation or prosecution of crime	interest in maintaining the exemption outweighs the public interest in disclosing the information.
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Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to the whole or any part of reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports (or parts thereof) will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 - ~~25~~4 apply to the Executive and its Committees. If the Executive or its Committees meet to take a decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

~~If the Executive or its Committees meet to discuss a decision to be taken collectively, with an Officer other than a political assistant present, within 28 clear working days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for Officers to brief Members.~~

13. PROCEDURE PRIOR TO A PRIVATE MEETING OF THE EXECUTIVE

13.1 Subject to Rule 13.2, before a decision is taken by the Executive or its Committees to hold a meeting, or part of a meeting, in private ie where the public are excluded in accordance with either Rule 10.1 or 10.2 above:-

13.1.1 a notice of intention to hold a private meeting including a statement of reasons for the meeting to be held in private must be made available ~~at in the office of the Assistant Chief Executive,~~ County Offices, Newland, Lincoln and be published on the Council's website at least 28 clear days before the meeting and

13.1.24 a further notice of intention to hold a private meeting including a statement of reasons for the meeting to be held in private, details of any representations received by the Executive or its Committees about why the meeting should be open to the public and a statement of response to any

~~such representations must be made available at in the office of the Assistant Chief Executive, County Offices, Newland, Lincoln and be published on the Council's website at least 5 clear days before the meeting~~

~~13.2 Where the date by which a meeting must be held makes compliance with Rule 13.1 impracticable, then the decision to hold the meeting, or part of the meeting in private, may still be made if the Executive or its Committees obtains the agreement of the Chairman of the relevant Overview and Scrutiny Committee (or in his/her absence, the Chairman of the Council or in his/her absence the Vice Chairman of the Council) that the meeting is urgent and cannot reasonably be deferred PROVIDED THAT as soon as reasonably practicable after such consent is obtained, a notice setting out the reasons why the meeting is urgent and cannot be reasonable deferred must be made available must be made available at in the office of the Assistant Chief Executive, County Offices, Newland, Lincoln and be published on the Council's website~~

143. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 165 (general exception) and Rule 176 (special urgency), a key decision may not be taken unless:

- (a) a notice ~~of the key decision has been published in the forward plan (called here a forward plan) has been published in connection with the matter in question;~~
- (b) ~~the notice of the key decision referred to in paragraph (a) above has been made available for inspection by the public at in the office of the Assistant Chief Executive, County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website for~~ at least 28 clear days ~~five clear working days have elapsed since the publication of the forward plan;~~ and
- (c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

154. THE FORWARD PLAN OF KEY DECISIONS

14.1 Period of forward plan

~~Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first working day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first working day of the second month covered in the preceding plan.~~

14.2 Contents of forward plan

15.1 The forward plan will contain matters which ~~the Leader has reason to believe will be subject of a~~ will be the subject of a key decision to be taken by the Executive, a Committee of the Executive, individual Members of the Executive, Officers, or under joint arrangements in the course of the discharge of an Executive function, ~~during the period covered by the plan.~~ It will ~~statedescribe~~ 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 ~~the a~~ decision is to be made;
- (~~cb~~) 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;
- (~~d~~) the identity of the principal groups or organisations 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; and
- (~~eg~~) a list of the documents submitted to the decision taker 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: and
- (~~h~~) the procedure for requesting details of those documents (if any) as they become available

15.2 The forward plan of key decisions must be made available for inspection by the public at in the office of the Assistant Chief Executive, County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website published at least 2814 clear working days before a key decision is made. ~~the start of the period covered. The Proper Officer will publish once a year, at least 14 days but not more than 21 days before the first forward plan of that year comes into effect, a notice in at least one newspaper 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 key decisions are to be taken will be prepared on a monthly basis;~~
- ~~(c) — that the plan will contain details of the key decisions likely to be made for the four 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;~~
- ~~(e) — that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the 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 a forward plan and confidential information cannot be included.

165. GENERAL EXCEPTION

Subject to Rule 17 (special urgency), where the publication of the intention to make a key decision under Rule 15 is impracticable, if a matter which is likely to be a key decision has not been included in the forward plan, then the decision can only be made where ~~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;~~
- ~~(ab) the Proper Officer ~~Chief Executive or his representative~~ has informed the Chairman of the relevant Overview and Scrutiny Committee, or if there is no such person, the Vice-Chairman of that Committee, or if there is no such person, each Member of that Committee and the Leader of the Opposition or relevant Shadow Executive Councillor in writing, by notice in writing, of the matter about ~~to~~ which the decision is~~

to be made and the reason why it is impracticable to comply with Rule 15 relates;

- (~~be~~) the ~~Proper Officer~~ ~~Chief Executive or his representative~~ has made a copyies of that notice available for inspection by the ~~to the~~ public at in ~~the office of the Assistant Chief Executive, County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website at the offices of the Council;~~ and
- (~~cd~~) at least five clear working days have elapsed since the ~~Proper Officer~~ ~~Chief Executive or his representative~~ complied with (~~b~~) and (~~be~~).

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

176. SPECIAL URGENCY

17.1 Where the date by which a key decision must be made, makes compliance with Rule 16 (general exception) impracticable, the decision may only be made where the decision maker has obtained agreement from ~~If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can still be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of~~

- (a) the Chairman of the relevant Overview and Scrutiny Committee ~~or Panel~~; or
- (b) if there is no such person, or if the ~~C~~Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the Council; or
- (c) where there is no chairman of either the relevant Overview and Scrutiny Committee or of the Council, the Vice-Chairman of the Council

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

The relevant Chairman or Vice-Chairman must consult with the Leader of the Council or if he cannot act, a Deputy Leader, the relevant Chief Officer or his nominee and the Leader of the Opposition or relevant Shadow Executive Councillor or as many of the above as are available.

The Chief Executive or his nominee shall determine which is the relevant Overview and Scrutiny Committee for these purposes. The relevant Chairman or the Vice-Chairman shall consider the advice of the Monitoring Officer and Director of Resources in resolving their view on urgency.

17.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 17.1 that the making of the decision is urgent and cannot be reasonably deferred, the decision maker must make available at in the office of the Assistant Chief Executive, County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website a notice setting out the reasons that the making of the decision is urgent and cannot reasonably be deferred

187. REPORT TO COUNCIL

187.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that an executive key decision has been taken which was not treated as being a key decision included in the forward plan and was either and the Committee are of the opinion that the decision should have been treated as a key decision, :

~~(a) the subject of the general exception procedure under Rule 15; or~~

~~(a) the subject of an agreement with the Chief Executive following consultation complying with Rule 16; or~~

~~(b) was not subject to either (a) or (b) above~~

then the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies.

The requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

Alternatively, the Proper Officer shall by written notice require such a report on behalf of the Committee when so requested by the Chairman or any 5 Members of the Committee.

187.2 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 clear working days of receipt of the written notice from the Proper Officer, 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 and the reasons for the decision, the individual or body making the decision, and if the Executive Leader is of the opinion that it was not a key decision, the reasons for that opinion.

187.3 Quarterly Reports on special urgency decisions

~~In any event~~ the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 176 (special urgency) in the preceding three months or annually where there have been none. The report will include particulars of each decision made and a

~~summary of the number of decisions so taken and a summary of~~ the matters in respect of which those decisions were taken.

198. RECORD OF DECISIONS

~~As soon as reasonably practicable a~~After any meeting of the Executive or any of its Committees, ~~whether held in public or private~~, the Proper Officer or, where ~~the Proper~~ ~~no~~ Officer was not present, the person presiding at the meeting, will produce ~~and publish a~~ written statement record of every decision taken at that meeting ~~as soon as practicable~~. The statement record will include:-

(a) a record of the decision including the date that it was made

(b) a record of the reasons for the decision

~~(c) statement of details of f the reasons for each decision and~~ any alternative options considered and rejected at that meeting at which the decision was made

~~(d) a record of~~ any conflict of interest in relation to the matter decided which is declared by any member of the decision-making body which made the decision and

~~(e)~~(e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

2019. NOTICE OF MEETINGS OF THE EXECUTIVE DEALING WITH CONFIDENTIAL AND EXEMPT ITEMS

~~Only when meetings of the Executive consider “confidential” or “exempt” items may the public and press be excluded from the meeting.~~

All Members of the Executive or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned~~consider “confidential” or “exempt” items~~, unless the meeting is convened at shorter notice as a matter of urgency. ~~Meetings of the Executive to consider “confidential” or “exempt” items may only decide matters under the exempt information rules.~~

210. ATTENDANCE AT MEETINGS

Any Councillor may attend any meeting of the Executive, Committees and Sub Committees. That Councillor may speak (but not vote) with the consent of the Chairman of the meeting, except that local Councillors have a right to speak on a matter affecting their division and adjoining divisions.

A Councillor who is not a member of the Committee or Sub Committee may be temporarily excluded from any meeting or part while any particular items of business are dealt with.

(a) All Executive Councillors will be served notice of all meetings of a Committee of the Executive to consider exempt or confidential items, whether or not they are members of that Committee.

- (b) All Executive Councillors are entitled to attend a meeting of any Committee of the Executive.

Overview and Scrutiny Committee Members

- (a) Notice of meetings of the Executive to consider “confidential” or “exempt” items and its Committees will be served on the Chairmen of all Overview and Scrutiny Committees, at the same time as notice is served on members of the Executive. Where an Overview and Scrutiny Committee does not have a Chairman, the notice will be served on all the members of that Committee.
- (b) Where a matter under consideration is “confidential” or “exempt” at a meeting of the Executive, or a Committee of it and is within the remit of an Overview and Scrutiny Committee, the Chairman of that Committee or in his/her absence the Vice-Chairman may attend that meeting with the consent of the person presiding, and speak if those present agree.

Officers

- (a) The Chief Executive, the Executive Director Resources and Community Safety, the Monitoring Officer and the relevant Chief Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- (b) A meeting of the Executive to consider “confidential” or “exempt” items may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

224. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE OR OFFICERS

224.1 Reports intended to be taken into account

Where an individual Executive Councillor or Officer receives a report which he/she intends to take into account in making a key decision, then he/she will not make the decision until at least five clear [working](#) days after that report was made publicly available under [Ruleparagraph 224.2](#) below or would have been made publicly available but for the fact that it contains confidential or exempt information.

224.2 Provision of copies of reports to Overview and Scrutiny Committees

Unless it contains confidential or exempt information the Councillor or Officer making the decision referred to in [Ruleparagraph 224.1](#) shall ensure that the Proper Officer makes the report available for inspection by the public as soon as is reasonably practicable after that Councillor or Officer receives it.

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 Chairman of every relevant Overview and Scrutiny Committee (or where there is no Chairman every member of the Committee) the relevant Shadow Executive Councillor and other group spokesmen as soon as reasonably practicable.

224.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken either by an individual Executive Councillor or ~~a key decision has been taken~~ by an Officer, he/she will prepare, or (in the case of an individual Executive Councillor instruct the Proper Officer to prepare), a written statement record of the decision which shall include a record of the decision including the date it was made, a record statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Executive Councillor who is consulted by the decision-maker and in respect of any declared conflict of interest a note of any dispensation granted by the Monitoring Officer.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of executive decisions by individual Executive Councillors and ~~the making of key decisions by~~ Officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

232. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

232.1 Rights to copies

Subject to Rule 232.2 below, any member of an Overview and Scrutiny Committee 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 that has been transacted at any meeting of the Executive or its Committees; or
- (b) any decision taken by an individual Executive Councillor or any executive key decision taken by an Officer.
- (c) Overview and Scrutiny Committees will be entitled to foresight of papers in relation to decisions of the Executive before the decision is made.

Subject to Rule 23.2 below, where a member of an Overview and Scrutiny Committee requests a document which falls within (a), (b) or (c) this must be provided by the Executive as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.

232.2 Limit on rights

~~No~~An Overview and Scrutiny Committee or any Member of an Overview and Scrutiny Committee will ~~not~~ be entitled to:

- (a) any document that is in draft form; or
- (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 any review contained in any programme of work of that Overview and Scrutiny Committee or sub-committee of that Committee: or
- (c) any part of a document that contains the advice of a political adviser.

243. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

243.1 Material relating to previous business

Subject to Rule 24.3 and Rule 24.4 any document which is in the possession of or under the control of the Executive and contains material relating to any business transacted at a private meeting of the Executive or its Committees, or any decision made by an individual member or an officer in accordance with executive arrangements must be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made and this must be within 24 hours. All Councillors will be entitled to inspect any document other than drafts 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 meeting to consider "confidential" or "exempt" information, 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.~~

243.2 Material relating to business to be transactedkey decisions

Subject to Rule 24.3 and Rule 24.4 any document which is in the possession of or under the control of the Executive and contains material relating to any business to be transacted at a public meeting of the Executive or its Committees must be available for inspection by any member of the Council for at least 5 clear days before the meeting. Where the meeting is convened at shorter notice any such document must be available for inspection when the meeting is convened and where an item is added to the agenda at shorter notice, any such document must be available for inspection when the item is added to the agenda. All Councillors 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 (a) or (b) of paragraph 23.1 above apply.

24.3 Rules 24.1 and 24.2 do not require a document to be available for inspection if it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the Local Government Act 1972 (as set out in Rule 10.2 above) unless the document contains exempt information of a description falling within paragraph 3 of Schedule 12 A to the 1972 Act (except 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 paragraph 6 of Schedule 12A of the 1972 Act.

24.4 Rules 24.1 and 24.2 do not require any document to be made available for inspection if it appears to the Proper Officer that it discloses the advice of a political adviser

24.53.3 **Nature of rights**

These rights of a Councillor are additional to any other right he/she may have.