

**PART 6 – PROCEDURE RULES (OTHER)
(SECTION 4 – ACCESS TO INFORMATION)**

Part 6 is set out in eight sections as follows:

- Section 1** Decision Notices
- Section 2** Scrutiny
- Section 3** Budget and Policy Framework
- Section 4** Access to Information
- Section 5** Financial Rules
- Section 6** Standing Orders – Purchasing,
Procurement, Contracts and Disposals
- Section 7** Officer Employment
- Section 8** Corporate Complaints

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PART 6 – PROCEDURE RULES (OTHER)

SECTION 4

ACCESS TO INFORMATION PROCEDURE RULES

1.0 SCOPE

- 1.1 These rules apply to all meetings of the Council, the Cabinet, the Overview Select Committee, Regulatory and other Committees, Area Committees and Working Groups.
- 1.2 These rules may be extended to meetings of Working Parties where the Working Party has agreed that a future meeting should be held in public as confirmed by their terms of reference set out Part 3 (Responsibility for Functions) of this Constitution.

2.0 ADDITIONAL RIGHTS TO INFORMATION

- 2.1 These Rules do not affect any specific rights to information contained elsewhere in this Constitution or the law.

3.0 RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend, record and report all meetings subject only to the exception in these Rules and the Protocol on Filming and Recording of Council Meetings set out in Part 8 of this Constitution.

4.0 NOTICES OF MEETINGS

- 4.1 The Council will give at least five clear days' notice of any meeting by posting details of the meeting on the Council's website and at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.
- 4.2 Clear days means days on which the Council's Offices are open for business and exclude the day on which a Notice is posted under Rule 4.0 (Notices of Meetings) or available for public inspection under Rule 5.0 (Access to agenda and reports before the Meeting), and the day of the meeting.

5.0 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Group Head of Council Advice & Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

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6.0 SUPPLY OF COPIES

6.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- (c) if the Group Head of Council Advice & Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

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

7.0 ACCESS TO MINUTES AND DECISIONS AFTER THE MEETING

7.1 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 the reasons, 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.

8.0 BACKGROUND PAPERS

8.1 List of background papers

Every report shall list those documents (background papers) relating to the subject matter of the report, except published works or exempt or confidential information, as defined in Rule 10.0 (Exclusion of the public from Meetings), which:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting a copy of each of the documents on the list of background papers.

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9.0 SUMMARY OF PUBLIC’S RIGHTS

9.1 These Rules constitute a written summary of the public’s rights to attend meetings and to inspect and copy documents. They are available for the public to inspect at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall, and to view on the Council’s website.

10.0 EXCLUSION OF THE PUBLIC FROM MEETINGS

10.1 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.

10.2 Meaning of confidential information

Confidential information means information that has been given to the Council by a Government Department on terms which forbid the disclosure, or information which cannot be publicly disclosed by law.

10.3 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 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.

10.4 Meaning of Exempt Information

(a) Exempt information means information falling within the following seven categories, subject to the relevant condition:

	Category	Condition
1.	Information relating to any individual.	
2.	Information which is likely to reveal the identity of an individual.	
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under: (a) the Companies Acts (as defined in section 2 of the Companies Act 2006);

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	Category	Condition
		(b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Act 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: <ul style="list-style-type: none"> a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b. to make an order or direction under any enactment. 	
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.	

(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.

(c) Information which:

- a. falls within any of the paragraphs 1 to 7 above; and
- b. is not prevented from being exempt by virtue of the condition on exempt paragraph 3 or on (b) above

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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.

11.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the Chief Executive, or their nominee, thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10.0 (Exclusion of the public from Meetings), the meeting is likely not to be open to the public. Such reports will be endorsed “*The information in this report is of a confidential or exempt nature*” together with the category of information likely to be disclosed.

12.0 APPLICATION OF THESE RULES TO THE CABINET

12.1 The Cabinet is required to comply with Rules 1 to 11 and 13 to 22 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply.

12.2 These Rules do not include meetings whose primary purpose is for officers to brief Members.

13.0 PROCEDURE BEFORE TAKING KEY DECISIONS

13.1 A key decision is defined in Article 13 (Decision Making) in Part 2 of this Constitution. Subject to Rule 15 (General Exception) or Rule 16 (Special Urgency) above, a key decision may not be taken unless:

- (a) a notice (called the Forward Plan) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

14.0 NOTICE OF CABINET DECISIONS (THE FORWARD PLAN)

14.1 Period of Notice

The Forward Plan will be prepared by the Group Head of Council Advice & Monitoring Officer to give 28 clear working days’ notice of the intention of Cabinet to make a key decision.

In addition to providing notice of key decisions, the Forward Plan will list other matters due to be considered by Cabinet and Full Council.

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The Forward Plan will cover a period of four months, beginning with the first day of any month. The Forward Plan will be updated each month and will be published to the Council's website and available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

14.2 Content of the Forward Plan

The Forward Plan will contain matters which the Group Head of Council Advice & Monitoring Officer has reason to believe will be the subject of a key decision to be taken by the Cabinet, as the Council's executive; or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan.

The Forward Plan will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their 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 date on which the matter was listed in the Forward Plan;
- (e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (f) the means by which any such consultation is proposed to be undertaken;
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter; and
- (h) the steps any person might take who wishes to make representations to the Cabinet 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.

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

A decision may be made upon an item in the Forward Plan either before or after the date (or the period) specified in the Plan for the decision, provided that there has first been agreement in writing with the Chairman of the Overview Select Committee.

15.0 GENERAL EXCEPTION

- 15.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16.0 (Special Urgency), the decision may still be taken if:

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- (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 Group Head of Council Advice & Monitoring Officer has informed the Chairman of the Overview Select Committee, or if they are unable to act, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) at least five clear days public notice of the decision to be taken is given on the Council's website and at the Arun Civic Centre, Littlehampton and Bognor Regis Town Hall; and
- (d) such key decisions are taken by the Cabinet in public save where confidential or exempt information might otherwise be disclosed.

16.0 SPECIAL URGENCY

16.1 If by virtue of the date by which a decision must be taken the requirements at Rule 15.0 (General Exception) cannot be followed, then the decision can only be taken if the decision taker, or the Chairman of the body making the decision, obtains agreement that the making of the decision cannot be reasonably deferred from:

- (a) the Chairman of the Overview Select Committee; or
- (b) if they are unable to act, the Chairman of the Council; or
- (c) if either are unable to act, the Vice-Chairman of the Council.

16.2 Once agreement has been obtained that the taking of the decision is urgent and cannot be reasonably deferred, notice to this effect must be published to the Council's website and made available at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

16.3 Decisions taken as a matter of urgency must be reported to the next meeting of the Overview Select Committee, together with the reasons for the urgency.

17.0 REPORTS TO COUNCIL

17.1 When the Overview Select Committee can require a report

If the Overview Select Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the procedures at Rule 15.0 (General Exception); or
- (c) the subject of an agreement with the Chairman of the Overview Select Committee, or the Chairman or Vice-Chairman of the Council under the requirements of Rule 16.0 (Special Urgency);

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, but is also delegated to the Group

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Head of Council Advice & Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview Select Committee.

17.2 When the Cabinet will report to Council

If a report is requested under Rule 17.1 (When the Overview Select Committee can require a report), 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 notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to the 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 annually reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (Special Urgency). The report will include the number of decisions so taken and a description of the matters in respect of which those decisions were taken.

18.0 RECORD OF DECISIONS**18.1 Record of Cabinet Decisions**

After any meeting of the Cabinet, the Group Head of Council Advice & Monitoring Officer will arrange as soon as is practicable for a record of every decision taken to be circulated to all Councillors and published to the Council's website. The record will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

This record will describe:

- (i) the subject on which a decision was made
- (ii) an executive summary of the background to the decision
- (iii) the decision
- (iv) the reasons for the decision
- (v) the alternative options considered and rejected
- (vi) whether there was any declaration of interest by the Cabinet Member, dispensation granted, or conflict of interest declared from the consultation undertaken
- (vii) whether the decision related to exempt or confidential information
- (viii) the date the decision was taken
- (ix) the effective date for the decision

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The effective date for a Cabinet decision will be 10.00am on the day after the expiry of five clear days from the publication of the decision. Clear days does not include Saturdays, Sundays or Bank Holidays. Cabinet decisions will generally be published on a Tuesday and the effective date will therefore be the second following Wednesday.

The record will also confirm the steps that any Councillor will need to take to request a call-in of the decision under the Scrutiny Procedure Rules.

18.2 Record of Council, Overview Select, Regulatory and Other Committee Decisions

After any Council or Committee meeting, the Group Head of Council Advice & Monitoring Officer will arrange as soon as is practicable for the minutes setting out a record of every decision taken to be circulated to all Councillors and published to the Council's website. The record will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

The form of the minutes will be based on the rules set out in Part 5 (Rules of Procedure – Meetings) of this Constitution.

19.0 MEETINGS IN PUBLIC

19.1 All meetings of the Council, the Cabinet, the Overview Select Committee, Regulatory and other Committees, Area Committees and Working Groups will be held in public, except where the business to be transacted would disclose confidential or exempt information under Rule 10.0 (Exclusion of the public from Meetings)

20.0 DECISIONS BY INDIVIDUAL CABINET MEMBERS

20.1 Reports intended to be taken into Account

Where an individual Cabinet Member receives a report which they intend to take into account in making any key decision, then they will not make the decision until the report has been available for public inspection for at least four clear working days.

20.2 Provision of copies of reports to the Overview Select Committee

Where a report has been submitted to an individual Cabinet Member with a view to it being considered by them when they make a key decision, the person who prepared the report will supply a copy of it to the Chairman of the Overview Select Committee as soon as is reasonably practicable, and make it publicly available at the same time.

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20.3 Record of Individual Cabinet Member Decisions

Publication and inspection of records of decisions made by individual Cabinet Members will follow the Decision Notice Procedure Rules set out in Part 6 (Procedure Rules - Other) of this Constitution.

The provisions of these Rules at Rule 7.0 (Access to Minutes) and Rule 8.0 (Background Papers) will also apply to decisions made by individual Cabinet Members. This does not require the disclosure of exempt or confidential information.

21.0 OVERVIEW SELECT COMMITTEE'S ACCESS TO DOCUMENTS

21.1 Rights to Copies

Subject to Rule 22.0 (Additional Rights of Access for Councillors), the Overview Select Committee will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet; or
- (b) any decision taken by an individual Cabinet Member.

21.2 Limit on Rights

The Overview Select Committee will not be entitled to:

- (a) any document that is in draft form; and
- (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.

22.0 ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

22.1 Material relating to any business to be transacted at a public meeting

Any document which is in the possession, or under the control of the Cabinet, and contains material relating to any business to be transacted at a public meeting shall be open to inspection by any Member of the Council unless it appears to the Group Head of Council Advice & Monitoring Officer that it discloses exempt information as defined in categories 1, 2, 4, 5 and 7 of Rule 10.4 (Meaning of Exempt Information).

A document will remain open to inspection if the information it contains discloses exempt information as defined in categories 3 and 6 at Rule 10.4, with the exception of information relating to any terms proposed, or to be proposed by or to the authority, in the course of negotiations for a contract.

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22.2 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 committees which relates to any key decision unless Rule 22.1 (Material relating to any business to be transacted at a public Meeting) applies.

22.3 Attendance at meetings of the Cabinet, Overview Select, Regulatory and Other Committees during confidential or exempt business

Where a Councillor is not a member of the Cabinet or a Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the Chairman (or whoever is presiding at the meeting) rules that they should be excluded.

Where a Councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:

- (a) in the opinion of the Chairman, the procedural propriety of the meeting would be compromised; and
- (b) reasons for the decision to exclude are given to the Councillor concerned.

Legal advice upon the issue may be taken by the Chairman, where appropriate.

22.4 Attendance at meetings of the Standards Committee during confidential or exempt business

Where a Councillor is not a member of the Standards Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the members of the Committee rule that they should be excluded.

Where a Councillor identifies they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:

- (a) in the opinion of the members of the Committee, the procedural propriety of the meeting would be compromised; and
- (b) reasons for the decision to exclude are given to the Councillor concerned.

Legal advice upon the issue may be taken by the Committee, where appropriate.

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22.5 Nature of rights

These rights of a Councillor are additional to any other right they may have.