

APPENDIX 3

Regulations	Detail/Summary		Update to Constitution
PART 2 Admission of public to meetings of local authority executives and their committees			
Admission of public to meetings of local authority executives and their committees	4(2)	<p>The public must be excluded from a meeting during an item of business whenever—</p> <p>(a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;</p> <p>(b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or</p> <p>(c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.</p>	Article 3 - 3.02 Access To Information Rules - (k) Exclusion of access by the public to meetings updated to reflect wording of regulation.
Reporting of meetings	4(6)	While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.	Added to Article 3 - 3.02 (k) Access To Information Rules
Procedures prior to private meetings (28 days notice)	5(2)	<p>At least 28 clear days before a private meeting, the decision making body must –</p> <p>(a) make available at the offices of the relevant local authority a notice of its intention to hold the meeting in private; and</p> <p>(b) publish that notice on the relevant local authority’s website, if it has one.</p>	Article 6 – The Cabinet, 6.05 Access to Information Rules updated to include new Rule.
Procedures prior to private meetings (5 days notice)	5(4)	At least five clear days before a private the decision making body must repeat 5(2)	Article 6 – The Cabinet, 6.05 Access to Information Rules updated to include new Rule.

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Procedures prior to private meetings (exception)	5(6)	Where the date by which a meeting must be held makes compliance with this regulation impracticable the meeting may only be held in private where the decision making body has obtained agreement from: A)The Chairman of the relevant O&S Committee Chairman; or B) if there is no such person or they are unable to act , the Council Chairman; or c) the vice-chairman of the Council	Article 6 – The Cabinet, 6.05 Access to Information Rules updated to include new Rule.
Procedures prior to private meetings (notice of exception)	5(7)	As soon as reasonably practicable after the decision making body has obtained agreement under (6) above to hold a private meeting it must: a) Make available a notice at the council offices setting out why the meeting is urgent and cannot be deferred; and b) Publish this notice on the Council’s website where it has one	Article 6 – The Cabinet, 6.05 Access to Information Rules updated to include new Rule.
Access to agenda and connected reports for public meetings	7	Regulation relates to providing a copy of every agenda and every report for a meeting on the authority’s website, provision of copies at meetings and supply of documents on provision of a fee.	6.05 Access to Information Rules to be reviewed to ensure compliance.
<u>PART 3</u> Key Decisions			
Key Decisions		8 (1) Defines a Key Decision as an executive decision which is likely: a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant authority’s budget for the service or function to which the decision relates; or b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the areas of the relevant local authority.	Current Key Decision criteria is compliant with expenditure/saving criteria set at £0.5m or significant having regard to the relevant authority’s budget for the service

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Publicity in connection with key decisions	9.	<p>Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with the criteria set out in Regulation 9.(1)</p> <p>At least 28 clear days before a key decision is made, the document referred to (above) must be made available for inspection by the public</p> <p>(a) at the offices of the relevant local authority; and (b) on the relevant local authority's website, if it has one.</p>	<p>Article 6 – The Cabinet and other references updated to reflect statutory requirement to produce forward plan removed.</p> <p>Addition of new Rule to produce a Notice of Decisions 28 clear days in advance of a Key Decision and publish it on the website.</p>
General Exception	10	<p>This section is broadly similar to existing General Exception Rule with addition of:</p> <p>(3) As soon as reasonably practicable after the Proper Officer has complied with (Exception procedure) he or she must:</p> <p>a) make available at the offices of the relevant local authority a notice setting out the reasons why compliance with regulation 9 is impracticable; and b) publish that notice on the relevant local authority's website</p>	6.05 Access to Information Rules General Exception updated to include provision
Cases of special urgency	11	As with 10, addition of requirement to publish notice with details and reason why decision cannot reasonably be deferred.	6.05 Access to Information Rules Special Urgency updated to include provision
PART 4 Recording of executive decisions and inspection of related papers and documents			
Recording of executive decisions and inspection of related papers and documents	12	Recording of executive decisions made at meetings.	6.05 Access to Information Rules (d) Record of Decisions updated to distinguish between decisions taken at meetings.

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Recording of executive decisions made by individuals	13	This regulation applies to the recording of executive decisions made by individual Members and council officers. It places a duty on the decision maker or proper officer to produce a written statement of the decision within a reasonable period and for this statement to be available at the Council's offices and on its website.	6.05 Access to Information Rules (d) Record of Decisions revised to include requirement to publish on the website
Inspection of background papers	15	Introduces requirement for a copy of background papers to be made available, including on the Council's website, at the same time as the report (or part of a report) which it relates to.	Article 3 - 3.02 Access To Information Rules Public inspection of background papers updated to include requirement to publish on Council's website
<u>PART 5</u> Additional rights of members of the local authority and of members of the overview and scrutiny committees			
Additional rights of members of the local authority	16	<p>(1) Subject to paragraphs (5) to (6), any document which—</p> <ul style="list-style-type: none"> (a) is in the possession or under the control of the executive of a local authority; and (b) contains material relating to any business to be transacted at a public meeting, must be available for inspection by any member of the relevant local authority. <p>(2) Any document which is required by paragraph (1) to be available for inspection by any member of the relevant local authority must be available for such inspection for at least five clear days before the meeting except that—</p> <ul style="list-style-type: none"> (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph (1) in relation to that item, must be available for inspection when the item is added to the agenda. 	Article 2 - Members of the Council to be reviewed to ensure wording reflects rights of access to documents

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	<p>(3) Subject to paragraphs (5) to (6), any document which—</p> <ul style="list-style-type: none"> (a) is in the possession or under the control of the executive of the local authority; and (b) contains material relating to— <ul style="list-style-type: none"> (i) any business transacted at a private meeting; (ii) any decision made by an individual member in accordance with executive arrangements; or (iii) any decision made by an officer in accordance with executive arrangements, must be available for inspection by any member of the relevant local authority 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. <p>(4) Any document which is required by paragraph (3) to be available for inspection by any member of the relevant local authority must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.</p> <p>(5) Paragraphs (1) and (3) 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 1972 Act (descriptions of exempt information: England).</p> <p>(6) Notwithstanding paragraph (5), paragraphs (1) and (3) do require the document to be available for inspection if the information is information of a description for the time being falling within—</p> <ul style="list-style-type: none"> (a) paragraph 3 of Schedule 12A to the 1972 Act (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 (b) paragraph 6 of Schedule 12A to the 1972 Act. 	

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		<p>(7) Where it appears to the proper officer that compliance with paragraph (1) or (3) in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.</p> <p>(8) The rights conferred by paragraphs (1) and (3) are in addition to any other rights that a member of a local authority may have.</p>	
Additional rights of access to documents for members of overview and scrutiny committees	17	<p>(1) Subject to paragraph (3) a member of an overview and scrutiny committee of a relevant local authority is entitled to a copy of any document which—</p> <ul style="list-style-type: none"> (a) is in the possession or under the control of the executive of that authority; and (b) contains material relating to— <ul style="list-style-type: none"> (i) any business that has been transacted at a meeting of a decision-making body of that authority; (ii) any decision that has been made by an individual member of that executive in accordance with executive arrangements; or (iii) any decision that has been made by an officer of the authority in accordance with executive arrangements. <p>(2) Subject to paragraph (3), where a member of an overview and scrutiny committee requests a document which falls within paragraph (1), the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.</p> <p>(3) No member of an overview and scrutiny committee is entitled to a copy—</p> <ul style="list-style-type: none"> (a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to— <ul style="list-style-type: none"> (i) an action or decision that that member is reviewing or scrutinising; or (ii) any review contained in any programme of work of such a committee or subcommittee of such a committee; or 	Article 7 – 7.04 Select Committee Procedure Rules (k) Rights to copies and (l) Limit of rights to be reviewed to ensure compliance with the rights contained in the regulation.

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		<p>(b) of a document or part of a document containing advice provided by a political adviser or assistant.</p> <p>(4) Where the executive determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph (1) or (3), it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.</p>	
Executive reports to the local authority	19.	The Leader must submit to the local authority at such intervals as may be determined by the local authority, at least annually, a report containing details of each executive decision taken during the period since the last report was submitted where the making of the decision was agreed as urgent.	6.05 Access to Information Rules updated to reflect that statutory requirement is now to report annually (from quarterly).