

**COUNCIL BUSINESS
COMMITTEE**

6.00 P.M.

8TH NOVEMBER 2012

PRESENT:- Councillors Richard Newman-Thompson (Chairman), June Ashworth, Janet Hall, Tim Hamilton-Cox (substitute for Melanie Forrest), Roger Mace and Sylvia Rogerson

Apologies for Absence
Councillor Melanie Forrest

Officers in attendance:-
Debbie Chambers Democratic Services Manager
Peter Baines Senior Democratic Support Officer

10 MINUTES

The minutes of the previous meeting were agreed as a correct record.

11 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

12 DECLARATIONS OF INTEREST

There were no declarations of interest.

13 COMMITTEE TIMETABLE 2013/14

The Senior Democratic Support Officer introduced a report on the timetable of meetings for the 2013/14 municipal year.

It was noted that the committee's views were sought on whether Special Council meetings should be timetabled on an annual or biennial basis, and whether the recent changes made to the start times of Personnel Committee and Standards Committee be continued into 2013/14.

In the course of discussion, members expressed their thanks to officers for arranging a successful Special Council meeting with young people from around the district on Wednesday 17th October.

To keep Special Council events fresh, it was suggested that they continue to be held on alternate years, and that consideration should be given to holding the next event with young people.

Resolved:

- 1) That the next Special Council meeting be held in October 2014
- 2) That the committee timetable and meeting times for 2013/14 be approved, as appended to these minutes, including later start times for evening meetings at

Lancaster Town Hall, from 6pm to 6.10pm.

14 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

The Democratic Services Manager introduced a report about the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which had been introduced by government and had a direct impact on the council's rules of procedure.

It was noted that the new regulations affected Cabinet and any Cabinet committees, and required the council to:

- give 28 days notice to exclude the press and public from a meeting. An additional notice would need to be published five days before the meeting, which gave details of any representations which asked for the item to be discussed in public, and the response of the decision-making body;
- replace the Forward Plan with new notice requirements of 28 days for key decisions;
- make background papers available online and at the council's offices for executive decisions made by Cabinet;

In the course of discussion, it was noted that the new regulations would not affect the Council's call-in procedures.

Resolved:

- (1) That the requirements of the new legislation be noted.
- (2) That the necessary changes to Part 4, Section 2 of the Constitution (as appended to these minutes) be approved and that any necessary consequential textual changes to other parts of the Constitution be made by the Monitoring Officer.

15 REVIEW OF PARLIAMENTARY CONSTITUENCIES – BOUNDARY COMMISSION CONSULTATION ON REVISED PROPOSALS

The Democratic Services Manager introduced an update report on the Boundary Commission for England's consultation on revised proposals for parliamentary constituency boundaries.

The Commission's initial proposals were to extend the Morecambe and Lunesdale constituency to 20 wards to include the Lower Lune Valley ward, which was currently a part of the Lancaster and Fleetwood constituency. In addition, there was a proposal to replace the Lancaster and Fleetwood constituency with a Lancaster constituency that would contain the remaining eight wards in Lancaster, plus ten wards in the Borough of Wyre, two wards from the City of Preston, and five wards in the Borough of Ribblesdale.

It was noted that the council's response to the initial proposals, agreed by this committee, stated that the revised proposals for Lancaster would present a considerable administrative challenge.

The Boundary Commission had subsequently made revisions to its proposals for the Lancaster constituency, revising the name to the Lancaster and Wyre constituency. However, the administrative burden of the revised constituency was considered to be only slightly less of an administrative challenge than the initial proposals. It was made up of wards in the boundaries of Lancaster City Council, Wyre Borough Council, and Preston City Council.

The committee noted a draft response from officers which highlighted the administrative complications of the proposed constituency, and proposed an alternative constituency with wards drawn solely from land in the boundaries of Lancaster City Council and Wyre Borough Council.

It was noted that political groups may wish to make their own submissions to the consultation.

Resolved:

That the draft response to the Boundary Commission be approved and submitted on behalf of the Council

16 CONSTITUTION – SUPPLEMENTARY QUESTIONS FROM MEMBERS AT COUNCIL MEETINGS

The Democratic Services Manager introduced a report, resulting from a request from a councillor, asking the Committee to consider amending Council Procedure Rule 13.6 to increase the number of supplementary questions which members were allowed to ask at meetings of Council. Rule 13.6 restricted Members to one supplementary question without notice following a question on notice.

During the course of discussion, members agreed that one supplementary question was sufficient.

Resolved:

That no changes be made to Council Procedure Rule 13.6.

17 CONSTITUTION – ISSUES OF URGENCY AND PROCEDURES FOR URGENT BUSINESS, CALL-IN AND WAIVER OF CALL-IN (Page 7)

The Democratic Services Manager introduced a referral report from the Budget and Performance Panel asking the committee to consider the procedure for dealing with urgent business, call-in, and the waiver of call-in.

Councillor Mace proposed that "We ask that the city constitution no longer provides power for the Chief Executive to override any decision of the Chairman of the Overview and Scrutiny Committee not to agree to the waiver of call-in, and that call-in may only be waived where the Chairman and Vice-Chairman of the Overview and Scrutiny Committee are in agreement that call-in be waived."

In the course of discussion, members questioned what would happen if either the Chairman or Vice-Chairman of the Overview and Scrutiny Committee was unavailable, and it was noted that the Mayor and Deputy Mayor, in that order, could be consulted. 'Unavailable' in this context would be defined as unable to be contacted within six hours.

In addition, it was agreed to precede Councillor Mace's suggestion with the words: "On the basis that officers advise and members decide...".

The Committee agreed that the proposal should be referred to Council for consideration with the comments of the Monitoring Officer included in the report.

Councillor Mace then set out two proposals for amending the current call-in arrangements.

The first was a request for "a report on options for the amendments to the call-in process so that an additional (less technical and confrontational) reason for rethinking a cabinet decision could be created, such as one loosely based on the old procedure (standing order 23 under the former committee system) for 'reference up of decisions' to Council." (old standing order 23 was circulated at the meeting and is appended to these minutes.)

The second stated that "the simplest way of achieving the opportunity for a wider debate on an issue, potentially leading to a recommendation from Council to Cabinet, (similar to one of the options under the current call-in rules) (if it is legally acceptable as a permitted element in the City's Constitution) would be for implementation of a Cabinet decision to be suspended pending the outcome of an extraordinary council meeting summoned under procedure rule 3.1 to debate a motion put forward within the normal call-in period – but under conditions of support similar to rule 19.1. This would be additional to the present rules."

Information relating to the two proposals was circulated and it was noted that procedure rule 3.1 required five Members of Council to request that the Mayor hold an extraordinary meeting of Council and procedure rule 19.1 required at least 15 Members (being a quorum of Council) to move a motion to rescind a decision made at a meeting of Council within the last six months.

Members agreed that both proposals would require a report back to the Committee from the Monitoring Officer to assess their feasibility.

Resolved:

- (1) That officers refer the following proposal regarding the waiver of call in to Council for consideration:

"On the basis that officers advise and members decide, we ask that the city constitution no longer provides power for the Chief Executive to override any decision of the Chairman of the Overview and Scrutiny Committee not to agree to the waiver of call-in, and that call-in may only be waived where the Chairman and Vice-Chairman of the Overview and Scrutiny Committee are in agreement that call-in be waived. Should the Chairman or Vice Chairman of the Overview and Scrutiny be unavailable, the Mayor should be approached for his/her agreement. Should the Mayor be unavailable, the Deputy Mayor should be

approached for his/her agreement. "Unavailable" in this context is defined as unable to be contacted within 6 hours. "

- (2) That the Monitoring Officer be asked to prepare a report for the next meeting of the Committee in respect of the feasibility and legalities of the two proposals put forward by Councillor Mace regarding the present call-in system and the introduction of new rules in addition to the present call-in system.

18 CONSTITUTION – PUBLIC SPEAKING AT COUNCIL MEETINGS

The Democratic Services Manager introduced a report on amendments to the Constitution regarding the required deadlines, set out in Council Procedure Rule 14, for members of the public to submit a request to address a Council meeting.

It was noted that members considered this item at the previous meeting, where it was felt appropriate to extend the deadline to noon on the third working day before the meeting.

The Committee was presented with the amended Constitution and revised guidance document for the public.

Resolved:

- 1) That the Constitution be revised as shown at Appendix 1 to the report and appended to these minutes.
- 2) That the current guidance leaflet for the public, available on the council's website and supplied on request to the public, be replaced with the revised version, shown at Appendix B of the report.

19 APPOINTMENTS TO COMMITTEES AND CHANGES TO MEMBERSHIP

There were no requests for appointments or changes to committee membership.

Chairman

(The meeting ended at 7:35pm)

**Any queries regarding these Minutes, please contact
Peter Baines, Democratic Services - 01524 582074, or email pbaines@lancaster.gov.uk**

MEETINGS TIMETABLE 2013/2014

2014

2013

| | May | June | July | August | September | October | November | December | January | February | March | April | May |
|------|------------------------|---------------------------------|------------------------------------|------------------------|-----------------------------------|-----------------------------------|-----------------------------------|---------------------------------|------------------------------------|------------------------|-----------------------------------|------------------------------------|------------------------------|
| Mon | | 1 | | | | | | | | | | | |
| Tue | | 2 | | | | 1 | | | | | | 1 | |
| Wed | 1 | | 3 | | | 2 | | | 1 Bank Holiday | | | 2 | |
| Thur | 2 ELECTIONS | 4 Member Briefing | | 1 | | 3 Member Briefing | | | 2 | | | 3 Member Briefing | 1 Council Business Committee |
| Fri | 3 | | 5 | 2 | | 4 | 1 | | 3 | | | 4 | 2 |
| Sat | | 1 | 6 | 3 | | 5 | 2 | | 4 | | | 5 | 3 |
| Sun | | 2 | 7 | 4 | | 6 | 3 | | 5 | | | 6 | 4 |
| Mon | 6 Bank Holiday | 3 | 8 | 5 | 2 | 7 Planning Site Visit | 4 Planning Site Visit | 2 Planning Site Visit | 6 Planning | 3 Planning | 3 Planning | 7 Planning | 5 Bank Holiday |
| Tue | 7 Planning | 4 | 9 Budget & Performance Panel | 6 | 3 Cabinet MTH | 8 Cabinet LTH | 5 Cabinet MTH Budget & Perf Panel | 3 Cabinet LTH | 7 | 4 Personnel | 4 Budget and Performance Panel | 8 | 6 |
| Wed | 8 | 5 Overview & Scrutiny Committee | 10 Overview and Scrutiny Committee | 7 | 4 Overview and Scrutiny Committee | 9 Overview and Scrutiny Committee | 6 | 4 Overview & Scrutiny Committee | 8 | 5 Council | 5 Overview and Scrutiny Committee | 9 | 7 |
| Thur | 9 | 6 Licensing Reg Member Briefing | 11 Licensing Act | 8 | 5 Licensing Reg Member Briefing | 10 Standards | 7 Council Business Committee | 5 Member Briefing | 9 Licensing Reg Member Briefing | 6 Member Briefing | 6 Member Briefing | 10 | 8 |
| Fri | 10 Annual Council | 7 | 12 | 9 | 6 | 11 | 8 | 6 | 10 | 7 | 7 | 11 | 9 Annual Council |
| Sat | | 8 | 13 | 10 | 7 | 12 | 9 | 7 | 11 | 8 | 8 | 12 | 10 |
| Sun | | 9 | 14 | 11 | 8 | 13 | 10 | 8 | 12 | 9 | 9 | 13 | 11 |
| Mon | 13 Business Council | 10 | 15 Planning Site Visit | 12 Planning Site Visit | 9 Planning Site Visit | 14 Planning | 11 Planning | 9 Planning | 13 | 10 | 10 | 14 | 12 Annual Business Council |
| Tue | 14 | 11 JCC Budget and Perf Panel | 16 | 13 | 10 Budget and Performance Panel | 15 Personnel | 12 | 10 Budget and Performance Panel | 14 | 11 Cabinet LTH | 11 Cabinet MTH | 15 Personnel | 13 |
| Wed | 15 | 12 Council | 17 Council | 14 | 11 Council | 16 | 13 Council | 11 Council | 15 JCC | 12 | 12 JCC | 16 Council | 14 |
| Thur | 16 | 13 Standards | 18 Licensing Reg | 15 | 12 JCC Council Bus Com | 17 Licensing Reg | 14 Member Briefing Licensing Reg | 12 | 16 Council Business Committee | 13 Licensing Reg | 13 Council Business Committee | 17 | 15 |
| Fri | 17 | 14 | 19 | 16 | 13 | 18 | 15 | 13 | 17 | 14 | 14 | 18 Bank Holiday | 16 |
| Sat | 18 | 15 | 20 | 17 | 14 | 19 | 16 | 14 | 18 | 15 | 15 | 19 | 17 |
| Sun | 19 | 16 | 21 | 18 | 15 | 20 | 17 | 15 | 19 | 16 | 16 | 20 | 18 |
| Mon | 20 Planning Site Visit | 17 Planning Site Visit | 22 Planning | 19 Planning | 16 Planning | 21 | 18 | 16 | 20 | 17 | 17 | 21 Bank Holiday | 19 |
| Tue | 21 | 18 | 23 Cabinet LTH | 20 | 17 | 22 Budget & Performance Panel | 19 | 17 | 21 Cabinet MTH | 18 | 18 | 22 Cabinet LTH | 20 |
| Wed | 22 | 19 | 24 | 21 | 18 Audit | 23 | 20 | 18 | 22 Audit | 19 | 19 | 23 Audit | 21 |
| Thur | 23 | 20 Licensing Act | 25 | 22 | 19 Licensing Act | 24 | 21 Licensing Act | 19 | 23 Standards | 20 | 20 Licensing Act | 24 Standards | 22 |
| Fri | 24 | 21 | 26 | 23 | 20 | 25 | 22 | 20 | 24 | 21 | 21 | 25 | 23 |
| Sat | 25 | 22 | 27 | 24 | 21 | 26 | 23 | 21 | 25 | 22 | 22 | 26 | 24 |
| Sun | 26 | 23 | 28 | 25 | 22 | 27 | 24 | 22 | 26 | 23 | 23 | 27 | 25 |
| Mon | 27 Bank Holiday | 24 Planning | 29 | 26 Bank Holiday | 23 | 28 | 25 | 23 | 27 Planning Site Visit | 24 Planning Site Visit | 24 Planning Site Visit | 28 | 26 Bank Holiday |
| Tue | 28 Cabinet LTH | 25 Cabinet - MTH Personnel | 30 | 27 | 24 | 29 | 26 | 24 | 28 Budget & Performance Panel MTH | 25 | 25 Budget & Performance Panel | 29 Budget and Performance Panel | 27 |
| Wed | 29 Planning | 26 Audit | 31 | 28 | 25 | 30 | 27 | 25 Bank Holiday | 29 Overview and Scrutiny Committee | 26 Budget Council | 26 | 30 Overview and Scrutiny Committee | 28 |
| Thur | 30 | 27 Council Bus Com | | 29 | 26 | 31 | 28 | 26 Bank Holiday | 30 Licensing Act | 27 | 27 Licensing Reg | 29 | 29 |
| Fri | 31 | 28 | | 30 | 27 | | 29 | 27 | 31 | 28 | 28 | 30 | 30 |
| Sat | | 29 | | 31 | 28 | | 30 | 28 | | 29 | 29 | 31 | 31 |
| Sun | | 30 | | | 29 | | 31 | 29 | | 30 | 30 | | |
| Mon | | | | | 30 | | | 30 Planning Site Visit | | | 31 | | |
| Tue | | | | | | | | 31 | | | | | |

Meeting Start times/venues 2012/13

Approved by Council Business Committee 8 November 2012

(LTH = Lancaster Town Hall and MTH = Morecambe Town Hall).

| | | |
|--------------------------------|----------------------|---------|
| Annual Council (ceremonial) | Ashton Hall, LTH | 12pm |
| Annual Council (business) | MTH | 6pm |
| Audit Committee | MTH | 6pm |
| Budget and Performance | LTH | 6.10pm |
| Council | MTH | 2pm |
| Council Business Committee | MTH | 6pm |
| Cabinet | Alternating LTH, MTH | 10am |
| JCC | LTH | 2pm |
| Licensing Regulatory Committee | LTH | 1pm |
| Licensing Act Committee | LTH | 2pm |
| Overview and Scrutiny | MTH | 6pm |
| Planning & Highways Regulatory | LTH | 10.30am |
| Personnel Committee | LTH | 6.10pm |
| Standards Committee | LTH | 6.10pm |

The Appeals Committee is convened as and when necessary at LTH with no set day or time.

Part 4, Section 2

Access to Information Procedure Rules

1. SCOPE

With the exception of Rules 10.01 and 10.02, Rules 1 to 11 apply to all meetings of Council and its Committees, Cabinet and its Committees, Overview and Scrutiny meetings (including formally constituted Task Groups) and Area Forums. Rules 10.1 and 10.2 apply to all meetings of the Cabinet and its committees.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in the 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 days notice of any meeting by posting details of the meeting at Lancaster Town Hall and Morecambe Town Hall.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will publish copies of the agenda and reports open to the public on its website and make them available for inspection at Lancaster and Morecambe Town Halls at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be published and open to inspection from the time when the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Head of Governance shall make each such report 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, reports and background papers 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 Proper 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.

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, for all meetings of the Council, 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. BACKGROUND PAPERS

8.01 List of Background Papers

Every report will include a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the writer of the report:

- (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 Cabinet reports, the advice of a political advisor.

8.02 Public Inspection of background papers

Background papers will remain available for public inspection for four years after the date of the meeting. Background papers for meetings of the Cabinet and its committees will be published on the Council's website when the agenda is published and copies will be made available at Lancaster Town Hall and Morecambe Town Hall.

9. SUMMARY OF THE PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at Lancaster Town Hall and Morecambe Town Hall.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.01 Notice of Private Meetings of the Executive

When the public are to be excluded from a meeting, or part of a meeting of the Cabinet or its committees a notice of intention to hold a meeting in private will be published on the Council's website at least 28 clear days before the date of the private meeting. The notice will also be made available at Lancaster and Morecambe Town Halls.

The notice will state the reasons why the meeting is to be held in private and how to make representations about holding the meeting in public.

At least five days before the meeting a further notice will be published of the intention to hold a private meeting. This notice will include a statement of the reasons why the meeting is to be

held in private, details of any representations made about holding the meeting in public, and the response to those representations.

10.02 Urgent Private Meetings of the Executive

If the urgency of a decision makes compliance with rule 10.01 impracticable, the decision maker or decision making body will seek agreement from the Chairman of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. In the absence of the Chairman of the Overview and Scrutiny Committee, the Mayor shall be asked for their agreement and, in their absence, the Deputy Mayor. If agreement is granted, a notice will be published on the Council's website and made available at the two Town Halls setting out why the meeting is urgent and cannot reasonably be deferred.

10.03 Confidential Information – requirement to exclude public

Subject to Rules 10.01 and 10.02 above, 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.

10.04 Exempt Information – discretion to exclude public

Subject to Rules 10.01 and 10.02 above, 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.

In determining whether information is to be treated as exempt, Members will consider the extent to which, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Convention for the Protection of 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.

10.05 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure, and information the public disclosure of which is prohibited by Court Order, or by virtue of any enactment.

10.06 Meaning of exempt information

Exempt information means information falling within the following categories.

| Category | Qualification |
|--|--|
| 1. Information relating to any individual | <p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> (a) Where disclosure is prohibited by statute, or (b) Where disclosure might involve providing personal information about individuals, or (c) Where disclosure might breach a duty of confidentiality, and (d) In all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it. |
| 2. Information which is likely to reveal the identity of an individual | <p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> (a) Where disclosure is prohibited by statute, or (b) Where disclosure might involve providing personal information about individuals, or (c) Where disclosure might breach a duty of confidentiality, and (d) In all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it. |

| Category | Qualification |
|--|---|
| <p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p><i>(‘Financial or business affairs’ includes contemplated, as well as past or current, activities)</i></p> <p><i>This category will include commercial and contractual interests)</i></p> | <p>Information is not exempt if it is required to be registered by law under:</p> <ul style="list-style-type: none"> • The Companies Act 1985 • The Friendly Societies Act 1974 • The Friendly Societies Act 1992 • The Industrial and Provident Societies Acts 1965 to 1978 • The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act) • The Charities Act 1993 <p>Information is only exempt if and for so long as:</p> <ol style="list-style-type: none"> (a) Disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods, services whether the advantage would arise as against the Council or as against other persons, or (b) Disclosure would prejudice the efficiency and effectiveness of the use of Council resources, or (c) Disclosure of trade secrets and other information would or would likely prejudice the commercial interests of any person, including the Council, and (d) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| <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><i>(‘Labour relations matters’ are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute)</i></p> | <p>Information is only exempt if and for so long as its disclosure to the public:</p> <ol style="list-style-type: none"> (a) Would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and (b) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |

| Category | Qualification |
|--|---|
| <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p> | <p>Information is only exempt:</p> <p>(a) Where a claim of legal professional privilege could be maintained in legal proceedings, e.g. correspondence such as legal advice and assistance between the Council's Legal Services and its client; and</p> <p>(b) 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>Information is exempt only if and so long as:</p> <p>(a) Disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made; and</p> <p>(b) 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. Any action to be taken in connection with the prevention, investigation or prosecution of crime.</p> | <p>Information is only exempt if its disclosure would, or would likely to, prejudice:</p> <p>(a) Criminal investigations and proceedings, or</p> <p>(b) The apprehension or prosecution of offenders, or</p> <p>(c) The administration of justice, or</p> <p>(d) The assessment or collection of any tax or duty or of any imposition of a similar nature, or</p> <p>(e) Regulatory enforcement, or</p> <p>(f) Any civil proceedings, or</p> <p>(g) Health and safety, or</p> <p>(h) Information obtained from confidential sources, and</p> <p>(i) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> |

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “exempt from publication”, together with the category of information likely to be disclosed.

12. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 14 (general exception) and Rule 15 (special urgency), a Key Decision may not be taken unless:

- (a) a Notice (called here a Key Decision Notice) has been published in connection with the matter in question at least 28 clear days before the date when the decision is to be taken; and
- (b) 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 7 (notice of and summons to meetings).

13. KEY DECISION NOTICE

13.1 Content of the Key Decision Notice

A Key Decision Notice will contain details of

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name, 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) a list of the documents submitted to the decision taker for consideration in relation to the matter and how to obtain copies of such documents
- (e) a statement that other documents may be taken into account by the decision taker and how to obtain copies of any such documents.

14. GENERAL EXCEPTION – URGENT BUSINESS

14.01 Subject to Rule 16, where a matter which is a Key Decision requires an urgent decision and the required 28 days notice has not been given , the decision may still be taken if:

- (a) The Chairman of the Overview and Scrutiny Committee, or, if there is no such person, each member of the Overview and Scrutiny Committee, has been informed by notice in writing of the matter about which the decision is to be made;
- (b) a Key Decision Notice has been published and made available for inspection by the public; and
- (c) five clear days have elapsed following the day on which the Key Decision Notice was published and made available.

15. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 14 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred. If the Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor will suffice, or, in the absence of the Mayor, the agreement of the Deputy Mayor.

16. **REPORT TO COUNCIL**

16.01 **Report to Council when the key decision procedure is not followed**

If an executive decision has been made and was not treated as a key decision, and the Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision, the Overview and Scrutiny Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The report must include details of the decision and the reasons for the decision, the decision maker, and if the Cabinet is of the opinion that the decision was not a key decision, the reasons for that opinion. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any three members. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

16.02 **Quarterly reports on special urgency decisions**

In any event the leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17. **RECORD OF DECISIONS**

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Proper Officer 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 record will include a statement of the reasons for each decision, any alternative options considered and rejected at that meeting and any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision.

18. **MEETINGS OF THE CABINET AND ITS COMMITTEES RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The Cabinet will meet in public for all its decisions, except for decisions based on those parts of any document that contain exempt or confidential information. In such cases Rules 10.01 and 10.02 will apply.

19. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

19.01 **Material relating to business to be transacted at a public meeting of Cabinet**

All members of the Council will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any

business to be transacted at a public meeting, and any such document must be available for inspection for at least five clear days before the meeting

19.02 Other Material relating to business transacted

All members of the Council will be entitled to inspect any document which is in the possession or under the control of Cabinet and contains material relating to any business transacted at a private meeting of Cabinet, or any decision made by an individual Cabinet member or an officer, within 24 hours after the meeting concludes or after the decision has been made.

19.03 Exceptions

However, a document is not required to be available for inspection under Rules 19.01 or 19.02 if it contains exempt information as set out in Schedule 12A of the Local Government Act 1972, unless the information falls within paragraph 3 (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 contract negotiations), or paragraph 6 of Schedule 12A.. Further, a document is not required to be available for inspection if advice provided by a political adviser or assistant would be disclosed.

19.04 Nature of Rights

These rights of a member are additional to any other right they may have in statute or at common law.

20. OVERVIEW AND SCRUTINY'S ACCESS TO DOCUMENTS

20.01 Within 10 clear days of so requesting, a member of the Overview and Scrutiny Committee (including task groups) or Budget and Performance Panel will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to

- (i) any business that has been transacted at a meeting of a decision-making body of the Council
- (ii) any decision that has been made by an individual Cabinet Member in accordance with executive arrangements or
- (iii) any decision that has been made by an officer of the Council in accordance with executive arrangements

except for documents, or parts of documents, which contain

- (a) advice provided by a political adviser or
- (b) exempt or confidential information, unless that information is relevant to
 - (i) an action or decision that the Member is reviewing or scrutinising; or
 - (ii) any review contained in the work programme of the Overview and Scrutiny Committee or Budget and Performance Panel.

Overview and Scrutiny will not be entitled to any document which is in draft form.

Where the Cabinet determines that a member of an Overview and Scrutiny committee is not entitled to a copy of a document or part of a document for a reason set out in (a) or (b) above, it will provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

- (2) When acting under such arrangements the Town Clerk and Chief Executive shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the committee or service group can be arranged.
- (3) Where action is taken under any such arrangements, a report of that action, including a note of the circumstances which made it necessary, shall be laid before the next meeting of the committee or service group.

STANDING ORDER 23 : REFERENCE-UP OF DECISIONS

23. (1) This Standing Order applies where arrangements have been made for the discharge of a function of the authority by a committee or service group, and the operation of such arrangements is referred to in it as "the use of delegated powers".
- (2) Subject to paragraph (3), where a question on the use of delegated powers is put to the vote at a meeting of a committee or service group and at least two fifths of the voting members present at the meeting or four, whichever is the fewer, immediately after the question has been put to the vote, ask that the provisions of this standing order should be applied, the decision shall be of no effect, but shall be treated as a recommendation to the council or the committee to which the service group reports as the case may be.
- (3) Paragraph (2) shall not apply to any question which arises on an item of business:
- (a) where the committee or service group has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than members of the council and those appointed by the authority to discharge a function in connection with the committee or service group, or
 - (b) which concerns the appointment, discipline or dismissal of a member of the authority's staff.
- (4) Where a decision has been made by a committee or service group in exercise of their use of delegated powers any member of the council may, within ten days of the date of the decision, give notice in writing to the Town Clerk and Chief Executive alleging that such decision is contrary to council policy, will place the committee or service group in excess of their budgetary provision or is in breach of the constitution of the council.
- (5) Within five days of receipt of any such notice, the Town Clerk and Chief Executive will respond in writing to the member concerned either explaining why the decision does not contravene policy, exceed the budgetary provision or breach the constitution, as the case may be, or confirming that the decision will be placed before the next meeting of the council (in the case of a decision by a committee) or of the committee (in the case of a service group).

14 PUBLIC SPEAKING

- 14.1 At a meeting of the Council a Local Government Elector or Council Tax Payer for the area of the Authority may address Council on any item on the agenda for the meeting, or on any matter in relation to which the Council has functions, or which affects the area of the Council or part of it, or the inhabitants of that area, or some of them.
- 14.2 The provision outlined in 14.1 does not extend to applications for or objectors to:-
- planning permission (see the Council's arrangements for public participation in Planning and Highways Regulatory Committee meetings as outlined in the leaflet available from Democratic Services);
 - any licence, notice or order issued, served or made by the Council.
- 14.3 An address may only be presented at Council if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 3 days before the day of the meeting and the notice includes the wording of the address. The Chief Executive shall not accept the notice unless he or she is satisfied that the address is proper to be presented. Late requests to address Council will not be considered.
- 14.4 In presenting an address, the person may speak for not more than five minutes. The speech shall reflect the wording referred to in Rule 14.3 above, and shall not constitute a personal attack upon any person. The person or persons making the address shall be heard in silence. Following the presentation of an address, the appropriate Cabinet Member or Committee Chairman will be given the opportunity to respond to the submission for not more than five minutes.
- 14.5 Addresses shall be presented in order in which notice of them is received by the Chief Executive. There will be a maximum of ten speakers allowed per Council meeting on a first come, first served basis. Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking as part of the registration process. The Head of Governance to be authorised to ask speakers to consolidate their views if there are more than three speakers in the group.
- 14.6 Where the subject matter of an address received is within the terms of reference of Council, it shall be referred to the next convenient meeting of the relevant Council body within whose terms of reference it falls.
- 14.7 Where an address is referred to a meeting of a Council body, that meeting shall either report upon the subject matter to the next meeting of the Council or committee, or include their views upon the subject matter in their next report to the Council or committee.