



Part 4, Section 2: Access to Information Procedure Rules

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1. SCOPE

- a) The first part of these Rules (Rules 2 – 11) applies to all meetings of the Council, Scrutiny Commission, Community Forums, the Audit and Standards Committee and the Planning Committee and any other regulatory committees, together with their Panels or sub-committees (if any), plus public meetings of the Cabinet.
- b) The second part of these Rules (Rules 12 – 24) applies to meetings of the Cabinet, Cabinet Committees and Cabinet Advisory Panels.
- c) The requirements contained in these Rules do not include those meetings whose sole purpose it is for Officers to brief Members.
- d) The “proper officer”, for the purposes of these Rules, is the Monitoring Officer.

ALL PUBLIC MEETINGS (2-10)

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information that are contained elsewhere in this Constitution or are conferred by law.

3. RIGHT TO ATTEND MEETINGS

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

4. NOTICE OF MEETINGS

The Council will give at least five clear working days’ notice of any meeting by posting details of the meeting at Council Offices, Market Harborough, Leicestershire, and on the Council’s website.

5. ACCESS TO AGENDA OF A MEETING AND REPORTS PRIOR TO A DECISION

5.1 Prior access to agenda and reports

The Council will make copies of the agenda of public meetings, and of those reports or parts of reports that are open to the public, available for inspection at the designated office and on the Council’s website at least five clear working days before the public meeting takes place, except that:

- a) where a public meeting is convened at shorter notice, a copy of the agenda and associated reports shall be available for inspection at the time the meeting is convened; or
- b) where an item which would be available for inspection by the public is added to the agenda, a copy of the revised agenda and any report related to that item will be open to inspection from the time the item was added to the agenda;

provided that nothing in this Rule 5.1 requires an agenda or report to be available for inspection by the public before it is available to the members of the decision-making body concerned.

5.2 Exceptions to Access

If the Monitoring Officer thinks fit, there may be excluded from the copy of any report provided under Rule 5.1 the whole or any part of the report which relates only to matters during which, the Monitoring Officer's opinion, the meeting is likely to be a private meeting.

Where the whole or part of a report for a public meeting is not available for inspection by the public:

- a) every copy of the whole or part of the report, as the case may be, shall be marked "not for publication"; and
- b) there shall be stated on every copy of the whole or part of the report:
 - i) that it contains confidential information, or
 - ii) by references to the descriptions in Rule 10, the description of exempt information by virtue of which the body is likely to exclude the public during the item to which the report relates.

5.3 Access to agenda and reports at Meetings

The Council will make available a reasonable number of copies of the agenda and reports for the use of members of the public present during a public meeting (except in respect of any reports or parts of reports relating to items during which the public are excluded from the meeting).

5.4 Recording of Meetings

This policy applies to all formal meetings of Harborough District Council which includes meetings of its Cabinet held under the Local Government Act 1972 (as amended).

The policy is intended to enhance the rights of access by the press and public to Council meetings. It only applies to those meetings where the press and public would normally have rights of access.

1. The filming, recording and use of social media of and at a public meeting of the Council, its committees or sub-committees is permitted. This does not include

oral commentary during the meeting as this would be disruptive to the good order of the meeting.

2. Any person intending to record the meeting is requested to notify the Council (provide contact details) prior to the meeting to allow the Council to ensure that adequate facilities can be provided.
3. The Chairman of the relevant meeting will notify those present that the meeting may be recorded.
4. Any activity or action in relation to the recording of meetings which disrupts the conduct of the meeting is not permitted. Any person who, in the opinion of the Chairman of the meeting, so disrupts the meeting will be asked to leave.
5. Recording either audio or visual or both will be permitted from the area designated as 'public seating'.
6. No audio-visual equipment will be permitted to be placed in the immediate vicinity of Councillors or Officers participating in the meeting.
7. No flash photography will be permitted during the course of the meeting.
8. The Chair of the relevant meeting retains the right to require that any equipment in use is relocated, switched-off or removed should it prove to be disruptive to the smooth and efficient conduct of the meeting.
9. All equipment used to record proceedings of the meeting shall be silent when in use and cause no distraction to participants of the meeting or other members of the public.
10. All equipment used to record proceedings of the meeting shall be silent when in use and cause no distraction to participants of the meeting or other members of the public.
11. Users of audio-visual recording equipment will comply with all reasonable requests relating to health and safety e.g. trip hazards etc.
12. Where members of the public are participating in a meeting such as presenting a question at Public Question Time or presenting a petition, they shall be requested to give permission for their contribution to be recorded.
13. There shall be no filming or recording of the area designated as 'public seating' at any time.
14. Any recordings of meetings do not under law replace or negate the officially recorded minute of that particular meeting.

6. SUPPLY OF COPIES

The Council will make available

- 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 request, and on payment of postage, copying or other necessary charge for transmission.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 Arising from Meetings

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 Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

7.2 Arising from an Executive Decision made by an Officer

The Council will make available copies of the following for six years after the making of an executive decision by an Officer:

- a) the records of executive decisions made by an Officer; and
- b) reports (or part of a report, as the case may be) considered by the Officer and relevant to that decision which would not, in the opinion of the Officer, give rise to disclosure of exempt or confidential information (as defined in Rule 10).

8. BACKGROUND PAPERS

8.1 List of background papers

The Monitoring Officer will ensure that set out in every report is a list of those documents (called background papers) relating to the subject matter of the report which in their 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 the list 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).

8.2 Public inspection of background papers

The Council will make available the list of background papers and one copy of each of the documents listed for public inspection at the Council offices and on the Council's website from the time that copies of the relevant report are made available and for four years after the date of the meeting.

9. SUMMARY OF PUBLIC RIGHTS

A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept available to the public at the Council's main offices. This section of the Constitution is that summary.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from a meeting 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 otherwise be disclosed in breach of an obligation of confidence which has arisen from:

- a) information supplied to the Council by a Government Department, on terms which forbid disclosure of the information to the public; or
- b) from a prohibition on the disclosure of information to the public put in place by, or under an enactment, or by the order of a court.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Convention on Human Rights and Fundamental Freedoms set out in Part 1 of Schedule 1 to 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 that Article.

10.3 Meaning of exempt information

Exempt information means information falling within the following categories as set out in Schedule 12A to the Local Government Act 1972:

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).
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:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person;
 - (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, investigation or prosecution of crime.

The following qualifications apply:

8. Information falling within paragraph 3 above is not exempt information, by virtue of that paragraph, if it is required to be registered under:
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) The Friendly Societies Act 1992;
 - (d) The Industrial and Provident Societies Acts 1965 to 1978;
 - (e) The Building Societies Act 1986; or
 - (f) The Charities Act 1993
9. Information is not exempt if it relates to proposed development, for which the local planning authority may grant itself planning permission, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

10. Information which:

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempted by virtue of paragraph 8 or 9 above

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.

10.4 Exclusion to Maintain Order

A member or members of the public may be excluded from a public meeting by the application of a lawful power in order to maintain orderly conduct or prevent misbehaviour.

10.5 Application to Members

Subject to Part 5 of this Constitution, Members will have the right to attend all parts of a meeting of any Committee, Board or Forum, of which they are not members, as observers.

MEETINGS OF THE CABINET (11-24)

11. KEY DECISIONS

If the Cabinet or a Cabinet Committee meet to take a key decision then it must also comply with Rules 1 – 10 above, unless Rule 14 (general exception) or Rule 15 (special urgency) apply. A key decision is as defined in Article 13.04 of this Constitution.

12. PROCEDURES PRIOR TO PRIVATE MEETINGS

12.1 At least 28 clear days before a private meeting, the Cabinet shall:

- (a) make available at the Council offices a notice of its intention to hold the meeting in private;
- (b) publish that notice on the Council's website.

12.2 A notice under Rule 12.1 shall include a statement of the reasons for the meeting to be held in private.

12.3 At least 5 clear days before a private meeting, the Cabinet shall:

- (a) make available at the Council offices a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

12.4 A notice under Rule 12.3 shall include:

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Cabinet about why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

12.5 Where the date by which a meeting must be held makes compliance with this procedure impracticable the meeting may only be held in private where the Cabinet has obtained agreement from:

- (a) the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel;
or
- (b) the Chairman of the Council (if the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel is unavailable); or
- (c) the Vice-Chairman of the Council (if the Chairman of the Council and the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel are both unavailable)

that the meeting is urgent and cannot reasonably be deferred.

12.6 As soon as reasonably practicable after the Cabinet has obtained agreement under Rule 12.5 to hold a meeting in private, it shall:

- (a) make available at the Council Offices a notice setting out the reasons why the meeting is urgent and cannot be reasonably deferred; and
- (b) publish that notice on the Council's website.

13. PUBLICITY IN CONNECTION WITH KEY DECISIONS

13.1 Where the Cabinet intends to make a key decision, that decision shall not be made until a document has been published in accordance with Rule 13.2 which states:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;

- (c) the name and list of members of the decision-making body;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (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.

13.2 At least 28 clear days before a key decision is made, the document referred to in Rule 13.1 shall be made available for inspection by the public at the Council's Offices and on the Council's website.

13.3 Where in relation to any matter:

- (a) the public may be excluded from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not be disclosed to the public because of Rule 10,

the document referred to in Rule 13.1 shall contain particulars of the matter but may not contain any confidential or exempt information.

13.4 The information required by Rules 12 and 13 shall be set out in a document titled "Forward Plan" which is published on a weekly rolling basis.

14. GENERAL EXCEPTION (LATE ITEMS)

14.1 Subject to Rule 15, where the publication of the intention to make a key decision under Rule 13 is impracticable, that decision may only be made:

- (a) where the proper officer has informed the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel, or if unavailable, all Members of the Scrutiny Commission or relevant Scrutiny Panel, in notice by writing, of the matter about which the decision is to be made;

- (b) where the proper officer has made available at the Council Offices for inspection by the public and published on the Council's website, a copy of the notice given pursuant to Rule 14.1(a); and
- (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in Rule 14.1(b).

14.2 Where Rule 14.1 applies to any matter, Rule 13 need not be complied with in relation to that matter.

14.3 As soon as reasonably practicable after the proper officer has complied with Rule 14.1, he or she shall:

- (a) make available at the Council Offices a notice setting out the reasons why compliance with Rule 13 is impracticable; and
- (b) publish that notice on the Council's website.

15. CASES OF SPECIAL URGENCY

15.1 Where the date by which a key decision must be made, makes compliance with Rule 14 impracticable, the decision may only be made where the Cabinet has obtained agreement from:

- (a) the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel;
or
- (b) the Chairman of the Council (if the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel is unavailable); or
- (c) the Vice-Chairman of the Council (if the Chairman of the Council and the Chairman of the Scrutiny Commission or the relevant Scrutiny Panel are both unavailable)

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

15.2 As soon as reasonably practicable after the Cabinet has obtained agreement under Rule 15.1 that the making of the decision is urgent and cannot reasonably be deferred, the Cabinet shall:

- (a) make available at the Council Offices a notice setting out the reasons why the meeting is urgent and cannot be reasonably deferred; and
- (b) publish that notice on the Council's website.

16. RECORDING OF EXECUTIVE DECISIONS MADE AT MEETINGS

- 16.1 As soon as reasonably practical after any meeting of the Cabinet at which an executive decision was made, the proper officer (or if the proper officer was not present at the meeting, the person presiding) shall ensure that a written statement is produced for every executive decision made which includes the information specified in Rule 16.2.
- 16.2 The statement referred to in Rule 16.1 shall include:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;
 - (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet; and
 - (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service.
- 16.3 For the purposes of Rule 16.1, "person presiding" means the person actually presiding or the person nominated to preside at that meeting.

17. RECORDING OF EXECUTIVE DECISIONS MADE BY OFFICERS

- 17.1 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer shall produce a written statement which must include:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the officer when making the decision;
 - (d) a record of any conflict of interest declared by any Cabinet member who is consulted by the officer which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service.

18. INSPECTION OF DOCUMENTS FOLLOWING EXECUTIVE DECISIONS

18.1 Subject to Rules 5, 7 and 10, after a meeting of the Cabinet at which an executive decision has been made, or after an individual officer has made an executive decision, the proper officer shall ensure that a copy of:

- (a) any records prepared in accordance with Rules 16 and 17; and
- (b) any report considered at the meeting or, as the case may be, considered by the individual officer and relevant to a decision recorded in accordance with Rules 16 and 17 or, where only part of the report is relevant to such a decision, that part

is available for inspection by members of the public, as soon as is reasonably practicable, at the Council Offices and on the Council's website.

18.2 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under Rule 18.1, those documents shall be supplied for the benefit of the newspaper by the Council, on payment by the newspaper to the Council, of postage, copying or other necessary charge for transmission.

19. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF THE COUNCIL

19.1 Subject to Rules 19.5 and 19.6, any document which:

- (a) is in the possession or under the control of the Cabinet; and
- (b) contains material relating to any business to be transacted at a public meeting

shall be available for inspection by any member of the Council.

19.2 Any document which is required by Rule 19.1 to be available for inspection by any member of the Council shall be available for inspection at least 5 clear working days before the meeting except that:

- (a) where the meeting is convened at shorter notice, such a document shall 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 Rule 19.1 in relation to that item, shall be available for inspection when the item is added to the agenda.

19.3 Subject to Rules 19.5 and 19.6, any document which:

- (a) is in the possession or under the control of the Cabinet; and

- (b) contains material relating to:
 - (i) any business transacted at a private meeting; or
 - (ii) any decision made by an officer in accordance with executive arrangements

shall be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an officer, immediately after the decision has been made.

- 19.4 Any document which is required by Rule 19.3 to be available for inspection by any member of the Council, shall be available for inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made.
- 19.5 Rules 19.1 and 19.3 do not require a document to be available for inspection if it appears to the proper officer that the document discloses exempt information as set out in Rule 10. However, members are able to inspect (but not to have a copy of) advice received from Counsel or other external legal adviser which is subject to this Rule 19.5 under such conditions as may be required by the Monitoring Officer.
- 19.6 Notwithstanding Rule 19.5, Rules 19.1 and 19.3 do require the document to be available for inspection if the information is information of a description for the time being falling within:
 - (a) paragraph 3 of Rule 10.3 (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 negotiations for a contract); or
 - (b) paragraph 6 of Rule 10.3.
- 19.7 The rights conferred by Rules 19.1 and 19.3 are in addition to any other rights that a member of the Council may have (see also paragraph 4 of Part 5, Section 3 – Member/Officer Protocol).

20. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF SCRUTINY COMMISSION

- 20.1 Subject to Rule 20.3, a member of the Scrutiny Commission is entitled to a copy of any document which:
 - (a) is in the possession or under the control of the Cabinet; and
 - (b) contains material relating to:
 - (i) any business that has been transacted at a meeting of the Cabinet; or

- (ii) any decision that has been made by an officer in accordance with executive arrangements

20.2 Subject to Rule 20.3, where any member of the Scrutiny Commission requests a document which falls within Rule 20.1, the Cabinet must provide that document as soon as reasonably practicable, and in any case, no later than 10 clear days after the Cabinet receives the request.

20.3 No member of the Scrutiny Commission is entitled to a copy of any such document or part of a document which contains exempt or confidential information unless that information relates to:

- (a) an action or decision that the member is reviewing or scrutinising; or
- (b) any review contained in the Scrutiny Commission work programme.

20.4 Where the Cabinet determines that a member of the Scrutiny Commission is not entitled to a copy of a document or part of any such document for a reason set out in Rules 20.1 or 20.3, it must provide the Scrutiny Commission with a written statement setting out its reasons for that decision.

21. REPORTS TO COUNCIL WHERE THE KEY DECISION PROCESS IS NOT FOLLOWED

21.1 Where an executive decision was made and:

- (a) was not treated as being a key decision; and
- (b) the Scrutiny Commission or the relevant Scrutiny Panel are of the opinion that the decision should have been treated as a key decision, the Scrutiny Commission or the relevant Scrutiny Panel may require the Cabinet to submit a report to Council within such reasonable period as the Scrutiny Commission or relevant Scrutiny Panel may specify.

21.2 A report under Rule 21.1 must include details of:

- (a) the decision and the reasons for the decision;
- (b) the decision maker who made the decision; and
- (c) the reasons as to why the decision was not treated as a key decision.

22. CABINET REPORTS TO COUNCIL

22.1 The Leader of the Cabinet shall submit to Council on a quarterly basis a report containing details of each Executive decision taken during the preceding 3 months where the making of that decision was agreed as urgent in accordance with Rule 16.

22.2 A report submitted for the purposes of Rule 22.1 must include:

- (a) particulars of each decision made; and
- (b) a summary of the matters in respect of which each decision was made.

23. PROCEDURE BEFORE TAKING KEY DECISIONS

23.1 Reports

- a) No key decision shall be taken except upon receipt of a written report, as set out in Rule 23.1(b), which has been provided to the persons set out in 23.2 below or 23.5 (urgent decisions) below.
- b) An Officer of the Council shall, upon being so requested by the Chief Executive, Chief Officer or relevant body proposing to take the key decision, prepare a written report setting out:
 - i) **DECISION INFORMATION**
 - 1) the body proposing to take the decision;
 - 2) any restrictions upon the publication of the report or public attendance at the making of the final decision, in accordance with Rule 10;
 - 3) the place, date and time at which the body proposes to make its decision;
 - ii) **PURPOSE OF REPORT**
 - 1) the reasoning behind the report being generated;
 - iii) **RECOMMENDATIONS**
 - 1) the Officer's recommendation(s) in respect of the proposed decision (if any);
 - 2) indication as to whether the report needs to progress to Council for a final decision;
 - iv) **SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 1) details of any changes or other reasons behind the recommendation(s) being made;
- v) KEY FACTS
- 1) the facts upon which any decision must be based;
 - 2) any legislative requirements, including any Human Rights Act issues;
 - 3) any relevant national or regional guidance;
- vi) LEGAL ISSUES
- 1) any legal or legislative issues, or aspects thereof, which impact on the proposed recommendation(s);
 - 2) any legal or legislative issues, or aspects thereof, which impact on the existing situation/ circumstances/ arrangements;
- vii) RESOURCE ISSUES
- 1) any implications that the proposed recommendation(s) would have on the resources and/ or resourcing of the Council (in terms of finance and staffing);
 - 2) any implications that the proposed recommendation(s) would have on the resources and/ or resourcing of other groups/ bodies involved (in terms of finance and staffing);
 - 3) any implications that not carrying the proposed recommendation(s) through would have on the resources and/ or resourcing of the Council (in terms of finance and staffing);
- viii) EQUALITY IMPACT ASSESSMENT OUTCOMES
- 1) consideration of the impact/ implications of proposed recommendation(s) of the six main equality groups – those being: age, disability, religion or belief, gender, sexual orientation, and race;
 - 2) other relevant equality factors; such as rurality, care responsibilities etc should be considered as appropriate;
 - 3) the tool for identifying and addressing the considerations in 1) and 2) is the Equality Impact Assessment, the outcomes of which must be identified in the report;
- ix) CONSULTATION

- 1) any consultation undertaken;
 - 2) the views of any consultees (as incorporated within the report);
 - 3) a summary of any other representations received;
- x) **OPTIONS CONSIDERED**
- 1) what alternative options to the recommendation(s) were considered as available and viable, by the Officer, and rejected;
 - 2) the reason(s) for proposing the recommendation(s), as detailed, over those alternative options;
- xi) **BACKGROUND PAPERS**
- 1) a list of any background papers to the report and/ or the proposed recommendation(s), as applicable.

23.2 Internal Consultation

- a) Prior to submission to the decision-making body, the report must be provided to the Council's Corporate Management Team.
- b) Prior to the decision being made, the report will be made available:
 - i) in accordance with Rule 5, 6 and 10 of these Rules;
 - ii) to all Members of the Cabinet;
 - iii) to the Chairman of the Scrutiny Commission and Chairmen of the Scrutiny Panels (upon request), except that where the Scrutiny Commission or Scrutiny Panels do not have a Chairman the notice will be served on all the Members of the Commission or Panel as appropriate;
 - iv) to other Members to be notified under the Sensitive Issues Procedure;
 - v) to the Head of the Paid Service, Monitoring Officer and Chief Financial Officer, and any other chief Officer as appropriate;
 - vi) in the Members' Room; and
 - vii) on the Council's intranet system (and to all other Members by way of post or hand delivery until such time as Members have independent access to the authority's intranet system – as advised by that Member).
- c) The requirements for consultation and public participation set out above and elsewhere within these Rules are to be regarded as a minimum, and Officers are responsible for determining when further consultation and public participation would be appropriate, and arranging as such.

23.3 Member involvement

Where any Member notifies the Head of Paid Service (or their nominee) and the Leader of the Cabinet at any time, at least 24 hours prior to the proposed time of decision as set out in the report, that he or she has pertinent comments to make on the report:

- a) he or she may request one of the following:
 - i) that their written comments be presented to the decision-making body;
or
 - ii) the opportunity to make representations to the decision-making body
before it takes a decision on the matter, or
- b) the Chief Executive or their nominee present shall advise the decision-making body of any comments received, in accordance with this procedure.

23.4 Determination

- a) Where no such comment has been received from a Member, the decision-making body may proceed to make its decision at the date, time and place set out in the report.
- b) Where any Member has requested the opportunity to make representations, that Member shall have the right to attend at the time, date and place set for the decision-making body to make its decision and to make representations to the decision-making body for a maximum of five minutes before the decision-making body takes its decision on the matter and may, at the discretion of the decision-taker, then speak further and/ or take part in any ensuing debate.

24. ATTENDANCE AT PRIVATE MEETINGS

The following persons will be entitled to attend at any private meeting of the Cabinet, unless otherwise specifically prohibited by the Cabinet:

- a) Members of the Cabinet;
- b) Members of the Cabinet Advisory Panel summoned to the meeting;
- c) other Members;
- d) the Head of the Paid Service, Monitoring Officer and Chief Financial Officer (the 'statutory Officers'); and

- e) other Officers, as felt appropriate or invited by the Cabinet or Panel or by the statutory officers.