

PART 4.6
ACCESS TO INFORMATION
RULES

Note: Please refer to the [Practice Note](#) containing the current list of the persons referred to below as “Designated Officer”

CONTENTS

4.6.1	Application of the Rules	Page 3
4.6.2	Rights to Attend Meetings	Page 3
4.6.3	Notice of Meetings	Page 3
4.6.4	Access to Agendas and Reports before Meetings	Page 3
4.6.5	Supply of Copies	Page 4
4.6.6	Access to Documents after Meetings	Page 4
4.6.7	Background Papers <ul style="list-style-type: none">- List of background papers- Public inspection of background papers	Page 4
4.6.8	Exclusion of Access to Meetings and Reports <ul style="list-style-type: none">- Meaning of exempt information- Discretion to exclude the public from meetings- Exclusion of access to reports	Page 5
4.6.9	Application of Rules to Cabinet Meetings and Decisions	Page 5
4.6.10	Special Procedure required before Taking Key Decisions by Cabinet or officers	Page 5
4.6.11	Executive Decisions Notice	Page 6
4.6.12	General Exception to Rule 4.6.10	Page 6
4.6.13	Special Urgency for Rule 4.6.10	Page 7
4.6.14	Report to Council where Rule 4.6.10-13 do not apply	Page 7
4.6.15	Cabinet's Report to Full Council	Page 7
4.6.16	Quarterly Reports on Urgency Decisions	Page 8
4.6.17	Record of Executive Decisions <ul style="list-style-type: none">- Cabinet- Key Decisions by Officers	Page 8
4.6.18	Cabinet Meeting Relating to Matters that are not Key Decisions	Page 8

4.6.19	Access to Documents by Overview and Scrutiny Committee <ul style="list-style-type: none">- Rights to copies- Limit on rights	Page 9
4.6.20	Additional Rights of Access for Councillors <ul style="list-style-type: none">- Material relating to previous business- Material relating to key decisions- Nature of rights	Page 9
4.6.21	Procedures Prior to Private Meeting	Page 10
4.6.22	Items of urgent Business	Page 10
	Annex A: Exempt Information	Page 11
	Annex B: Summary of Rights to Attend Meetings	Page 13
	Annex C: The Public's Right to Ask Questions and Make Statements at Meetings	Page 15

4.6.1 APPLICATION OF THESE RULES

4.6.1.1 These Rules apply to Full Council, the Leader, the Cabinet and all Council committees.

4.6.1.2 Depending on the arrangements made under the Leader's Scheme of Executive Delegation, the references in these Rules to meetings and their agendas, reports and minutes will also apply to the intention of the Leader or Cabinet members individually to take decisions, to any public papers on which those decisions are based, and to the formal record of those decisions.

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

4.6.2 RIGHTS TO ATTEND MEETINGS

4.6.2.1 Subject to any exceptions in these Rules, members of the public may attend all meetings of Full Council, the Cabinet and committees of the Council.

4.6.2.2 Informal briefing meetings need not be in public if the purpose of the meeting is not to take a decision but to receive a briefing from officers.

4.6.3 NOTICE OF MEETINGS

4.6.3.1 The Designated Officer will give at least five clear working days' notice of any meetings by posting details at the Civic Centre, Chelmsford and/or on the Council's website.

4.6.4 ACCESS TO AGENDAS AND REPORTS BEFORE A MEETING

4.6.4.1 The Council will make copies of the agenda, public reports and Background Papers for a meeting available for inspection at the Civic Centre and/or on its website at least five clear working 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. However, the item need not be made available to the public until it has been made available to Councillors.

4.6.4.2 A list of categories of 'Exempt Information' not available for public access is set out in Annex A to these Procedure Rules. A written summary of the public's rights to attend meetings and to inspect and copy documents is set out in Annex B to these Procedure Rules

4.6.5 SUPPLY OF COPIES

4.6.5.1 On payment of postage and printing costs, the Council will supply to the public copies of: -

- a) agendas and reports which are open to public inspection;
- b) any further information necessary to indicate the nature of the items on the agenda; and
- c) if the Designated Officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

4.6.6 ACCESS TO DOCUMENTS AFTER A MEETING

4.6.6.1 The following documents will be made available to the public for six years after a meeting: -

- a) the minutes of meetings of the Council, the Cabinet, and committees and sub-committees, and the written record of Executive decisions taken by officers under delegated authority, excluding any “Exempt” or “Confidential” information (see Rule 4.6.8 below);
- b) a reasonably fair and coherent summary of any part of the meeting not open to the public;
- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

4.6.7 BACKGROUND PAPERS

List of background papers

4.6.7.1 Each author will set out in their report a list of those documents (“background papers”) which, in their opinion,

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

4.6.7.2 The list of documents need not include: -

- a) published works;
- b) those which disclose “Exempt” or “Confidential” information; or
- c) in respect of Executive reports, the advice of a political adviser.

4.7.7.3 Public inspection of background papers

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

arrangements to ensure that information held by them is made available under this Rule.

4.6.8 EXCLUSION OF ACCESS TO MEETINGS AND REPORTS

Meaning of exempt information

4.6.8.1 Exempt information means information falling within the categories and with the qualifications detailed in Annex A to these Rules.

Discretion to exclude the public from meetings

4.6.8.2 The public may be excluded from meetings whenever exempt information is likely to be disclosed and the public interest in maintaining the exemption would outweigh the public interest in disclosing it.

4.6.8.3 Where the meeting will determine a 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 that Article.

Exclusion of access to reports

4.6.8.4 On the advice of the Designated Officer, the Council may exclude access by the public to reports which relate to items during the consideration of which the meeting is not likely to be open to the public. Such reports will be marked "Not for Publication", will describe the category of exempt information they contain and state why the public interest in maintaining the exemption outweighs the public interest in disclosing it.

4.6.9 APPLICATION OF RULES TO CABINET MEETINGS AND DECISIONS

4.6.9.1 Rules 4.6.10 – 4.6.21 will apply to the Cabinet and its committees and to any decisions taken by the Leader, Cabinet Members or officers under the Scheme of Executive Delegation. If the Cabinet, its committees, the Executive members or officers intend to take a key decision they must also comply with Rules 4.6.1-9, unless Rule 4.6.12 (general exception) or Rule 4.6.13 (special urgency) apply. A key decision is defined in Article 14 (Paragraph 2.14.4) of this Constitution.

4.6.10 SPECIAL PROCEDURE REQUIRED BEFORE TAKING KEY DECISIONS

4.6.10.1 Subject to Rules 4.6.12 or 4.6.13 of these Rules, a key decision may not be taken unless:

- a) a notice has been published in connection with the matter in question;
- b) at least 28 days have elapsed since the publication of the notice; 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 4.6.3.1 (notice of meetings).

4.6.11 EXECUTIVE DECISIONS NOTICE

4.6.11.1 The Designated Officer will arrange for the notice referred to in Rule 4.6.10.1 a) (known as an Executive Decisions Notice) to be published at the Civic Centre and on the Council's website at least 28 working days before it is intended to take the decision(s). That Notice may include decisions on matters that do not constitute Key Decisions.¹

4.6.11.2 The Executive Decision Notice will include:

- a) a statement that a key decision is to be made;
- b) information about the decision;
- c) an indication as to whether the decision will be made by the Cabinet or by an individual and, if the latter, the name and title of that person;
- d) the date on which, or the period within which, the decision will to be made;
- e) a list of the documents submitted to the decision maker for consideration in relation to the decision;
- f) the address of the Civic Centre, from where, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed will be available;
- g) a statement that other documents relevant to the decision may be submitted to the decision maker; and
- h) the procedure for requesting details of those documents (if any) as they become available.

4.6.12 GENERAL EXCEPTION TO RULE 4.6.10

4.6.12.1 If a matter which is likely to be a key decision has not been published in accordance with Rule 4.6.10, then subject to Rule 4.6.13 (special urgency), the decision may still be taken if:

¹ See also: [Key Decisions Practice Note, available on the Council's website.](#)

- a) it must be taken by such a date that it is impracticable for it to be deferred;
- b) the Designated Officer has informed the chair of the Overview and Scrutiny Committee, in writing, of the matter on which the decision is to be made; the Designated Officer has published a notice at the Civic Centre stating
- c) the decision to be taken, when it will be taken and by whom; and at least five clear days have passed since (b) and (c) above were complied with.
- d) with.

4.6.12.2 Where such a key decision is taken collectively, it must be taken in public, unless it is likely that confidential or exempt information will be disclosed.

4.6.12.3 If a decision needs to be added to an Executive Decisions Notice which has already been published, the chair of the Overview and Scrutiny Committee will be notified of the intention to do so and given details of the decision to be taken, when it will be taken and by whom.

4.6.13 SPECIAL URGENCY FOR RULE 4.6.10

4.6.13.1 If the requirement in Rule 4.6.12 to give five clear days' notice of the intention to take a decision cannot be followed owing to the need to take the decision sooner, the decision may only be taken if the agreement of the chair of the Overview and Scrutiny Committee (or, in their absence, the Committee's vice chair, or the Mayor or Deputy Mayor, in that order) is obtained.

4.6.14 REPORT TO COUNCIL WHERE RULE 4.6.10-13 DO NOT APPLY

When the Overview and Scrutiny Committee can require a report

4.6.14.1 If the Overview and Scrutiny Committee thinks a key decision has been taken which was not in compliance with Rules 4.6.10-13, the Committee, by resolution at one of its meetings, may require the Cabinet to report to Full Council at its next available meeting on the reasons for taking the decision. That power may also be exercised by the Designated Officer on receipt of a written request to do so from five members of the Committee.

4.6.15 CABINET'S REPORT TO FULL COUNCIL

4.6.15.1 If required to do so under Rule 4.6.14, the Cabinet will prepare a report for submission to the next meeting of Full Council. If the meeting of Full Council is within 10 working days of the resolution of the Overview and Scrutiny Committee or receipt of the written request from five of its members, the report will be submitted to Full Council meeting after that.

4.6.15.2 The report to Full Council will set out particulars of the decision, the circumstances surrounding it and, if the Leader is of the opinion that the

decision was not a key decision, the reasons for that opinion.

4.6.16 QUARTERLY REPORTS ON URGENCY DECISIONS

4.6.16.1 The Leader will submit quarterly reports to Full Council summarising any Cabinet decisions taken in the circumstances set out in Rule 4.6.13 (special urgency).

4.6.17 RECORD OF EXECUTIVE DECISIONS

Cabinet

4.6.17.1 The Designated Officer will be responsible for keeping a record of all decisions taken at meetings of the Cabinet and its committees. That record will take two forms:

- a) a summary of the decisions taken, which will be published within two working days of the meeting; and
- b) a fuller record of the meeting, which will be published within 10 working days of the meeting and will include: -
 - i. the date and details of decisions;
 - ii. the reasons for them;
 - iii. the alternative options considered in each case;
 - iv. the names of those who made the decisions;
 - v. any papers relied on, except those containing exempt or confidential information;
 - vi. details of any conflict of interests and of any dispensation granted.

4.6.17.2 The papers in Rule 4.6.17.2 b)(v) above shall be available for inspection by Councillors and the public. Unless otherwise stated, the reports to the meeting shall be deemed to be the papers relied on. Any additional papers not circulated with the agenda shall be mentioned in the minutes.

Key Decisions by an Officer

4.6.17.3 As soon as a key decision has been taken by an officer, they will prepare, or instruct the Designated Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

4.6.18 CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

4.6.18.1 Cabinet meetings relating to matters which are not key decisions will be held in public unless a relevant exemption applies.

4.6.19 ACCESS TO DOCUMENTS BY OVERVIEW AND SCRUTINY COMMITTEE

Rights to copies

4.6.19.1 Subject to Rule 4.6.19.2 below, the Overview and Scrutiny Committee, or a councillor appointed to that committee, will be entitled to request copies of any document which is in the possession or control of the Cabinet or its committees and which contains information relating to any business carried out at a public or private meeting of the Cabinet or its committees.

4.6.19.2 Any document so requested should be supplied as soon as is reasonably practicable and in any case no later than 10 clear days after the request has been received.

4.6.19.3 Where Cabinet determines that a member of the 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 Rule 4.6.19.4 it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

Limit on rights

4.6.19.4 The Overview and Scrutiny Committee will not be entitled to:

- a) any document that is in draft form;
- b) any part of a document that contains Exempt or Confidential information and the public interest in maintaining the exemption outweighs the public interest in disclosing it, unless that information is relevant to an action or decision it is reviewing or scrutinising or intends to scrutinise; or
- c) the advice of a political adviser.

4.6.20 ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

Material relating to previous business

4.6.20.1 Councillors may inspect any document which is in the possession or under the control of the Cabinet or its committees and contains information relating to any business previously carried out at a meeting (including private meetings) unless either of the following applies:

- a) it contains exempt information and the public interest in maintaining the exemption outweighs the public interest in disclosing it; or
- b) it contains the advice of a political adviser.

Material relating to key decisions

4.6.20.2 All Councillors may inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet, its committees, its members or officers which relates to any key decision

unless paragraphs (a) or (b) of Rule 4.6.20.1 above applies.

Nature of rights

4.6.20.3 These rights of a councillor are additional to any other rights he may have.

4.6.21 PROCEDURES PRIOR TO PRIVATE MEETING

4.6.21.1 At least 28 days before a private meeting of the Executive: -

- a) notice of intention to hold the meeting must be made available at the Council's offices; and
- b) that Notice must be published on the Council's website.

4.6.21.2 A Notice under Rule 4.6.21.1 must include a statement of the reasons for the meeting being held in private.

4.6.21.3 At least five clear days before a private meeting, a further notice of the intention to hold a meeting must be made available and published on the Council's website.

4.6.21.4 The notice published under Rule 4.6.21.3 must include: -

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

4.6.22 ITEMS OF URGENT BUSINESS

4.6.22.1 The chair of a meeting may, for reasons to be stated at the meeting and recorded in the minutes, accept as urgent business items which did not appear on the agenda for a meeting when it was published and which were not available for public inspection five clear working days before the meeting. If the decision is a Key Decision the procedure in Rule 4.6.13 must have been followed. The reasons for the urgent business will state why the item did not appear on the published agenda, why it is urgent, and why it cannot await the next meeting.

ANNEX A**ACCESS TO INFORMATION – EXEMPT INFORMATION**

The Local Government Act 1972 specifies certain categories of information as “exempt”. Where exempt information is to be considered, members of the public will be asked to leave the meeting whilst that information is discussed. Similarly, reports or other documents which contain exempt information will not be made available to the public. The categories of information are qualified by a number of conditions and by the public interest test which, in certain circumstances, may require the exempt information to be disclosed if the public interest would be better served by revealing.

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 falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under— (a) the Companies Acts (as defined in section 2 of the Companies Act 2006); (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Co-operative and Community Benefit Societies Act 2014; (e) the Building Societies Act 1986; or (f) the Charities Act 2011.
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	“Employee” means a person employed under a contract of service.
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; 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, investigation or prosecution of crime	
Information which falls within paragraphs 1 to 7 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.		
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.		

The Public Interest Test

The public interest test is that used by the Freedom of Information Act. Even though a report may technically contain exempt information falling within one of the above categories it is possible that the application of the public interest test will still result in it being published.

The public interest test is defined as:

“In all the circumstances of the case, the public interest in maintaining the exemption (i.e. not disclosing the information) outweighs the public interest in disclosing it”

SUMMARY OF RIGHTS TO ATTEND MEETINGS AND TO INSPECT AND COPY DOCUMENTS

Access to Meetings

1. Meetings of Chelmsford City Council, its Cabinet and any of their committees are normally open to the public.
2. The public may be excluded from a meeting when it is likely that “exempt “ information will be revealed. The categories of exempt information are set out in Annex A to these Rules. These are subject to the “public interest test”, which is also defined in that Annex.

Access to Agendas and Reports

3. Copies of the agenda and reports for a meeting are open for public inspection, except for any report which is not likely to be dealt with in the public part of a meeting. Reports and other documents will be available at least five clear days before the meeting, unless the meeting is convened at shorter notice or if an item is added after the agenda has been published. The agenda and reports will be available for inspection on the Council’s website, www.chelmsford.gov.uk and on request at the Civic Centre, Chelmsford, Monday to Friday.
4. Copies of the agenda and reports will be available at the meeting. The public have a right to inspect reports for up to six years after a meeting.

Inspection of Minutes

5. The minutes of a meeting will be available for inspection at the Civic Centre, Chelmsford between 8.45am and 4.45pm Monday to Friday and on the Council’s website, www.chelmsford.gov.uk. The public have a right to inspect minutes for up to six years after a meeting.

Inspection of Background Papers

6. Members of the public may inspect a list of the background papers for any report and a copy of each of the documents on that list. They may do so from the time the agenda is published and for four years from the date of the meeting. Background papers containing exempt or confidential information are not open to inspection.
7. Background papers are documents which relate to the subject matter of a report and on which the report or part of it is based and been relied on in the report’s production. They do not include published works. Requests to inspect the background papers should be made to the Service of the officer whose name appears on the report as its author.

Availability of Other Information

8. The following is a summary of the main additional information which is available for inspection by the public from the named officer in each case:

- the name and address of all councillors, their addresses and wards they represent, and the membership of the Cabinet and all committees (Democracy Team Manager)
- the Register of Members' Interests (Democracy Team Manager)
- documents deposited with the Council for public inspection either as required by an Act of Parliament or as part of consultation by the Council or other public bodies (Legal and Democratic Services Manager in the first instance)
- the Council's Constitution (which contains among other things Procedure Rules, Financial and Contracts Rules) (Democracy Team Manager)
- the Council's accounts and certain other supporting financial information (available to any local government elector registered in Chelmsford) (Director of Financial Services)
- any byelaws made by the Council or affecting Chelmsford (Legal and Democratic Service Manager)
- other documents and information which the Council is required by law to make available for public inspection

Fees

9. The Council may, where it is permitted to do so, make a charge for providing copies of or extracts from background papers, reports to meetings and other documents and information it is required by law to make available to the public. The fees will be in accordance with the schedule of fees and charges applicable at the time and will be made known when the request is made.

Freedom of Information

10. The Freedom of Information Act 2000 gives the public a general right to request information from the Council.

**THE PUBLIC'S RIGHT TO ASK QUESTIONS
AND MAKE STATEMENTS AT MEETINGS**

The Council welcomes and encourages public attendance at meetings of the Council, Cabinet and Committees, where these are open to the public.

To enable members of the public to express their views or ask questions to councillors at meetings an item called "Public Questions" appears on the agendas for most meetings. At that point in the agenda the public have a chance to ask questions (in the case of Council meetings) or to ask questions or make statements (in the case of other meetings).

The following arrangements have been made for Public Questions:

1. Thirty minutes are set aside for questions at Council meetings.
2. Twenty minutes are set aside for questions and statements at other meetings.
3. A limit of two minutes is set for each question to be asked or statement made.
4. Those time limits may be extended at the discretion of the chair of the meeting.
5. Questions, and statements if these may be made, must relate to matters that affect the City and for which the member body to which they are addressed is responsible.
6. Anyone wishing to ask a question, or make a statement, should notify the Legal and Democratic Services Manager not later than 24 hours before the start of the meeting at which it is to be raised. Copies of valid questions or comments are published on the Council's website no later than 6 hours before meeting.
7. Questions should normally be asked, or statements made, under the item for Public Questions. However, if they relate to matters already on the agenda the chair of the meeting may decide to deal with them as part of the meeting's consideration of those items.
8. Questions will normally be put in the order in which they have been received, although the chair of the meeting may group together questions on a common subject.
9. The chair of the meeting may not allow a question if it:
 - (a) concerns a matter for which the Council, Cabinet or committee is not responsible or does not affect the City;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as another question to the same meeting;
 - (d) requires disclosure of exempt or confidential information.
10. The chair has discretion to allow a supplementary question to be asked.

11. The person to whom a question is asked may decline to answer but shall give a reason for not doing so. Where a response is given, the question will be answered without discussion and the answer given will be adequate and reasonable in the context of the question. Where a question cannot be answered orally at a meeting, a written response may be provided after the meeting.