ARTICLE 12
ACCESS TO INFORMATION

1. Scope

1.1 These rules apply to all committees established under the Section 101 of the Local Government Act 1972 or Sections 11, 21 or 53 of the Local Government Act 2000. This includes the Assembly, the Ceremonial Council, the Cabinet, the Select Committees and Regulatory Boards. This does not, however, include the Community Housing Partnerships which are consultative and deliberative bodies and, as such, are not covered by the legislation.

2. Additional Rights and Information

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

3. Rights to Attend Meetings

3.1 Members of the public and press are welcome to attend all meetings, subject only to the exceptions set out later in this Article. The Council will, do all that it can to minimise such exceptions so that it can have an open debate in public on issues.

4. Notice of Meetings

4.1 The Council will give at least five clear days notice of any meeting by posting details of those meetings at the Civic Centre, Dagenham. If a meeting has to be called at short notice, details will be posted at the earliest opportunity - such instances should, however, be rare and only in cases of absolute urgency.

5. Access to Agenda and Reports before Meetings

5.1 The Council will make copies of the agenda and reports of meetings open to the public available for inspection at the Civic Centre and on the Council's website (www.barking-dagenham.gov.uk) at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection at the time the item is added. Where reports are prepared after the notice of the meeting has been sent out, each report will be made available to the public as soon as it is completed and has been sent to Councillors.

6. Supply of Copies

6.1 On request, the Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
(c) any other documents supplied to Councillors in connection with an item to any person.

7. Access to Minutes and Reports after Meetings

7.1 The Council will make available copies of the following documents for six years after a meeting:

(a) the minutes of the meeting or record of decisions taken, together with reasons, excluding any part of the minutes when the meeting was not open to the public which discloses exempt or confidential information (as defined in paragraph 10 below);

(b) a summary of any proceedings not open to the public where the minutes open to inspection do not provide a reasonably fair coherent record;

(c) the agenda for the meeting; and

(d) reports related to items where the meeting was open to the public.

8. Background Papers

8.1 Every report will list those documents relating to the subject matter of the report, which, in the author's opinion:

(a) disclose any facts or matters upon which the report, or part of it, was based; and

(b) have been relied upon to a material extent in preparing the report.

8.2 This will not include published works or those which disclose exempt or confidential information and, in respect of Cabinet reports, any advice of a political adviser.

8.3 Background papers are available for public inspection for four years after the date of the meeting and copies may be requested for a reasonable charge from the Divisional Director of Legal & Democratic Services.

9. Summary of Public's Rights

9.1 The public have the right to attend meetings and to inspect and copy documents. Those rights are summarised as follows:

9.2 Members of the public may -

(a) attend meetings and speak with the permission of the Chair/Lead Member as appropriate or in accordance with any special procedures for the meeting concerned

(b) inspect agendas for each of the meetings
(c) inspect minutes of the meetings once they have been confirmed as a
correct record
(d) inspect a list of background papers used to compile the reports
attached to each agenda
(e) make copies, or ask for copies of the whole or part of any such
document open to inspection

9.3 Members of the public may not, however -
(a) have access to some documents which, by law, are exempt from
publication (i.e. private and confidential reports)
(b) stay at a meeting when private and confidential reports are being
discussed - a resolution will be passed at the meeting requiring press
and public to leave
(c) take photographs at meetings nor record or transmit the proceedings
(unless the Chair/Lead Member chooses to allow these actions in
which case this will be announced)

10. Exclusion of Access by the Public to Meetings

10.1 Confidential Information
(a) The public has (legally) to be excluded from meetings whenever it is
likely that confidential information will be disclosed.
(b) Confidential information means information given to the Council by a
Government Department on terms which forbid its public disclosure or
information which cannot, by Court Order, be publicly disclosed

10.2 Exempt Information
(a) The public may be excluded from meetings whenever it is likely that
exempt information will be disclosed.
(b) Exempt information means any of the paragraphs of Part I of Schedule
12A to the Local Government Act 1972 (including any subsequent
amendments) as detailed in the Appendix to this Article.

10.3 Information falling within any of the paragraphs above, is not, however,
exempt if it relates to proposed development for which the local planning
authority can grant itself planning permission under Regulation 3 of the Town

10.4 Where the meeting will determine any person's civil rights or obligations, or
adversely affect their possessions, Article 6 of the Human Rights Act 1998
establishes a presumption that the meeting will be held in public unless a
private hearing is necessary for one of the reasons specified in that Article.
10.5 Where a Sub-Committee of the Standards Committee is considering an allegation against a Member under Section 57A of the Local Government Act 2000, or a request under Section 57B of the Act to review a decision to take no action, there is no public right of access to the meetings or documents. The Sub-Committee is required to produce a written summary of its consideration of those matters, which is to be made available to the public.

11. **Exclusion of Access by the Public to Reports**

11.1 If the author thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with above, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" and explain the category of information likely to be disclosed.

12. **Procedure before taking Key Decisions**

12.1 Subject to paragraph 14 (General Exception) and paragraph 15 (Special Urgency), a key decision may not be taken by the Cabinet unless:

(a) a Forward Plan has been published in connection with the matter in question; and

(b) at least three clear days have elapsed since the publication of the Forward Plan; and

(c) notice of the meeting has been given in accordance with rule 4 (Notice of Meetings).

13. **The Forward Plan**

13.1 The Forward Plan will be updated on a monthly basis and will be made available for inspection at least 14 days before the start of the period covered.

13.2 The Forward Plan will be published on the first working day of each month and will contain available details of all key decisions that the Council is aware will be taken by councillors and officers during, as a minimum, the forthcoming four-month period. Wherever possible, the Forward Plan will also include available details of non-key decisions that will be taken by councillors during the period.

13.3 Exempt information, confidential information or the advice of a political advisor or assistant must not be included in the Forward Plan.

13.4 The monthly Forward Plan will, as far as possible, describe the following particulars for each item, and how a person can make representations and the deadline for doing so:

(a) the subject matter;
(b) the name of the Member meeting or Chief Officer who will be taking the decision;
(c) the estimated date when a decision will be taken;
(d) any groups/persons who will be consulted before taking the decision;
(e) how any such consultations will be carried out;
(f) a list of the relevant documents which will be submitted to the decision taker for consideration in relation to the matter.

13.5 A Notice will be published once a year, on a date at least 14 days but not more than 21 days before the first Forward Plan of that year comes into effect and in at least one newspaper circulating in the area, stating:-

(a) that key decisions are to be made on behalf of the Council;
(b) that the Plan will be produced monthly and contain available details of the key decisions to be made in the following four month period;
(c) that each Plan will be available for inspection at reasonable hours, free of charge, at the designated offices;
(d) that each Plan will contain a list of the documents which will be submitted to the decision takers;
(e) the address from which copies of, or extracts from, any documents listed is available and the procedure for requesting details of documents;
(f) that other documents may be submitted to the decision takers; and
(g) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the designated offices.

14. General Exception

14.1 If a key matter has not been included in the Forward Plan, then, subject to paragraph 15 (Special Urgency), the decision may still be taken if:-

(a) the decision must be taken by such a date that it is impracticable to defer the decision until the next Forward Plan; and
(b) the Monitoring Officer has informed the Lead Member or, in their absence their Deputy, of the relevant Select Committee (as determined by the Divisional Director of Legal and Democratic Services);
(c) copies of the notice are made available to the public at the designated offices; and
(d) at least five clear days have elapsed since (b) and (c) have been complied with.

15. Special Urgency

15.1 If by virtue of the date by which a decision must be taken, paragraph 14 (General Exception) cannot be followed, then the decision can only be taken if the relevant Corporate Director or Divisional Director seeks the agreement of the Chair of the Cabinet and the Lead Member or, in their absence their Deputy, of the relevant Select Committee (as determined by the Divisional Director of Legal and Democratic Services) that the decision cannot be reasonably deferred. In the absence of the Lead Member/Deputy Lead Member of the Select Committee, then the agreement of the Chair or Deputy Chair of the Assembly must be sought.
16. **Report to the Assembly**

16.1 If any Select Committee agrees that a key decision which falls within its remit (as set out in Article 5, paragraph 2.3) has been taken which was not:

(a) included in the Forward Plan;

(b) the subject of the General Exception procedure; or

(c) the subject of an agreement with the Lead Member/Deputy Lead Member of the Select Committee or the Chair/Deputy Chair of the Assembly under paragraph 15

then that Select Committee may require the Cabinet to submit a report to the Assembly within such reasonable time as the Select Committee specifies. The Chief Executive may also require such a report on behalf of the Select Committee when so requested by the Lead Member or in their absence, their Deputy. Alternatively, the requirement may be raised by a resolution passed at a meeting of the Select Committee.

16.2 The Cabinet will prepare a report for submission to the next available meeting of the Assembly. However, if the next meeting of the Assembly is within five working days of receipt of a written notice or the resolution of the relevant Select Committee, then the report may be submitted to the subsequent Assembly meeting. The report to Assembly will set out the particulars of the decision, who was responsible for making the decision and, if the opinion was that it was not a key decision, the reasons for that opinion.

16.3 In any event, quarterly reports will be submitted to the Assembly on Cabinet decisions taken in the circumstances set out in paragraph 15 (Special Urgency) in the last three months. The report will include a summary of the matters and the number of decisions taken.

17. **Record of Decisions**

17.1 A record of every decision (the minutes) taken at any meeting of the Cabinet, will be produced as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected.

18. **Select Committees - Access to Documents**

18.1 A Select Committee is entitled to copies of any documents which are in the possession or control of the Cabinet unless (a) the document is in draft; or (b) the document is the advice of a political adviser.

19. **Additional Rights of Access for Members**

19.1 All Members of the Council are entitled to the same documents referred to in paragraph 18 above.

19.2 The rights of a Member are additional to any other rights he/she may have.
Exempt Information

1. Information relating to an 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 the information)

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.

5. Information in respect of which a claim to legal professional privilege could be mentioned 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.

THE FOLLOWING EXEMPTIONS APPLY ONLY TO THE PROCEEDINGS OF THE STANDARDS COMMITTEE

7A Information which is subject to any obligation of confidentiality (for Standards Committees)

7B Information which relates in any way to matters concerning national security.

7C Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58 (1)(c) of the Local Government Act 2000.

(Contact Officer: Group Manager, Democratic Services: Tel: 020 8227 2135)