

1. **SCOPE**

- 1.1 Except as otherwise provided these Rules apply to all meetings of the Council, the Cabinet, Committees, and Sub-Committees.

2. **ADDITIONAL RIGHTS TO 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 AND SPEAK AT MEETINGS**

- 3.1 Members of the public may attend all meetings other than Individual Cabinet Member meetings and meetings of the Standards Committee or a sub-committee thereof convened for the purpose of considering what action to take in respect of a complaint received by it subject only to the exceptions in these Rules.
- 3.2 Save for meetings of the Planning and Development Committee and the Council's Overview and Scrutiny Committees, members of the public may only speak at meetings of the Council when permitted to do so by the Chair of the meeting.
- 3.3 An invitation to speak on a matter at any other meeting will be at the discretion of the chair of the meeting and will ordinarily only arise where a member has submitted a public question. The opportunity to speak will not be provided at any meeting of Full Council, and at any other meeting of the Council with the exception of Planning and Development Committee and the Council's Overview and Scrutiny Committees will be restricted to expanding upon and clarifying a public question.
- 3.4 The rules in relation to the conduct of Overview and Scrutiny Committees are set out within the Additional Overview and Scrutiny Committee Procedure Rules at Section 6 below.
- 3.5 In respect of meetings of the Planning and Development Committee, a maximum of 2 public speakers, 2 ward members and an elected or appointed Community representative will be permitted to speak on each application before the Committee. The appointed Community representative must be a member of a Parish Council or a Town Council. Speakers must register their request to speak at the meeting in advance of the meeting with the Head of Regeneration and Planning Services.
- 3.6 The two public speakers will be restricted to one speaker to speak in favour of the application and one speaker to represent the views of any objectors to the application. If more than one request to speak in favour of the application and one request to speak against the application is made, speakers will be required to pool their opinions and 'elect' one speaker to represent them.
- 3.8 Each speaker is permitted to speak for a maximum of 3 minutes. However, for Ward Members the restriction of 3 minutes may be extended at the discretion of the chair of the meeting.

4. **NOTICES OF MEETING**

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Town Hall, St Nicholas Street, Scarborough.

5. **ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Town Hall 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 from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the

Chief Executive shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. SUPPLY OF COPIES

6.1 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 on the agenda; and
- (c) if the Chief Executive 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

7.1 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, 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

8.1 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:

- (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 this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 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.

9. SUMMARY OF PUBLIC'S RIGHTS

9.1 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 the Town Hall, St Nicholas Street, Scarborough.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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.

10.2 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. Information is exempt 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.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions. 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 the Act.

10.3 Meaning of Confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

In relation to any meeting of the Council excluding a meeting of the Standards Committee or a sub-committee of the Standards Committee, Exempt Information means information (subject to any specified condition) which falls within categories 1-7 which follow.

In relation to a meeting of the Standards Committee or a sub-committee of the Standards Committee, Exempt Information includes information which falls within categories 1 – 10 below:

Category	Condition
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of any individual.	
3. Information relating to the financial and 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 and employees of, or office holders, under, the authority.	Information is not exempt information by virtue of this 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 (f) the Charities Act 1993
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	

Category	Condition
(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.	
In relation to the Standards Committee the following additional rules apply:	
8. Information which is subject to any obligation of confidentiality	
9. Information which relates in any way to matters concerning national security.	
10. The deliberations of the Standards Committee or a sub-committee of a Standards Committee in reaching any finding on a matter referred to it for hearing.	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

- 11.1 If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her 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 "Not for publication" together with the category of information likely to be disclosed.

12. **PROCEDURE BEFORE TAKING KEY DECISIONS**

- 12.1 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 Forward Plan) has been published in connection with the matter in question;
 - (b) at least five clear days have elapsed since the publication of the Forward Plan; and
 - (c) where the decision is to be taken at a meeting of the Cabinet or its Sub-Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

13. **THE FORWARD PLAN**

13.1 **Period of Forward Plan**

Forward Plans will be prepared to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

13.2 **Contents of Forward Plan**

The Forward Plan will contain matters which are likely to be the subject of a key decision in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and 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) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be published at least 14 days before the start of the period covered. The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extract from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

14. **GENERAL EXCEPTION**

14.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, then Subject to Rule 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 it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Chief Executive has informed the Chairman of the relevant Overview and Scrutiny Committee, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Chief Executive complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

15. **SPECIAL URGENCY**

15.1 An urgent decision is a decision for which any delay in implementation would seriously prejudice the interests of the Council or the public. If by virtue of the date by which an urgent

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 relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of a relevant Overview and Scrutiny Committee, or if the Chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the deputy Mayor will suffice. The call-in procedure set out in Part 6, para 10 shall not apply where the decision being taken is urgent.

16. REPORT TO COUNCIL

16.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the relevant Overview and Scrutiny Committee Chairman, or the Mayor or Deputy Mayor under Rule 15;

The Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies.

The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested by (the Chairman or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

16.2 The Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to the Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

16.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (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

- 17.1 After any meeting to which these rules apply, whether held in public or private, the Chief Executive 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 and any alternative options considered and rejected at that meeting.

18. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

18.1 **Rights to copies**

Subject to Rule 18.2 below, an Overview and Scrutiny Committee will be entitled to copies of any documents which is in the possession or control of the Cabinet or its Sub-Committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet or its Sub-Committees; or
- (b) any decision taken by an individual member of the Cabinet.

18.2 **Limit on Rights**

An 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, unless that information is relevant to an action or decision it is reviewing or scrutinising or intends to scrutinise.

19 **ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS**

19.1 **General provisions**

A Member may inspect any report or document that contains exempt information that is presented to Cabinet.

In respect of any other Committee a Member may inspect any document, (other than a document containing exempt or confidential information as defined in Rule 10 above, which will be provided to Members on a need to know basis only), which has been considered by the Council, the Cabinet, a Committee or Sub-Committee or individual Cabinet Member, including any reports, correspondence or other document which is circulated after the agenda or at the meeting, and if copies are available shall, on request, be supplied with a copy of such document in electronic form, if practicable, provided that a Member shall not knowingly inspect, and shall not call for a copy of, any document relating to a matter in which he or she has a prejudicial interest within the meaning of the Members' Code of Conduct. This does not affect the right of the Head of Legal and Support Services to decline to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

The Head of Legal and Support Services is responsible for determining whether any member has a need to know any information.

20. **RIGHTS OF MEMBERS NOT SERVING ON A BODY TO ATTEND AND SPEAK.**

- (a) Members have the right to attend any meeting of the Cabinet
- (b) Members have the right to attend and with the Chairman's consent to speak at any such meeting, on any matter on the agenda of that meeting, subject to having no prejudicial interest in the matter.

21. **DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET**

21.1 **Provision of copies of reports to individual cabinet members in relation to a proposed decision**

An officer of the Council seeking a decision by an Individual Cabinet Member will forward a report to the Chief Executive who will provide a copy to the relevant Individual Cabinet Member and make it publicly available at the same time.

21.2 Reports intended to be taken into account

Where an individual member of the cabinet receives a report which he/she intends to take into account in making any decision, then he/she will not make the decision until at least 3 clear days after receipt of that report.

21.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet he/she will prepare, or instruct the Chief Executive to prepare, a record of the decision, a statement of the reasons for it, any alternative options considered and rejected and conflicts of interest declared. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply as far as relevant to the making of decisions by individual members of the cabinet.

21.4 Decisions by individual members of the Cabinet will be reported to the meeting of Cabinet which follows the decision coming into effect.

21.5 This Rule 21 does not require the disclosure of exempt or confidential information.