

4.2	Access to Information Procedure Rules
	1 Scope
1.1	These rules apply to all meetings of Full Council, the Scrutiny Panel, the Scrutiny Commissions, meetings of the Elected Mayor and Cabinet, and its Committees. In addition, key decisions (taken by the Elected Mayor and Cabinet, a committee of the Cabinet, individual Councillors of the Cabinet, officers or under joint arrangements) and all Council Committees and Sub-Committees.
	2 Additional Rights to Information
2.1	These rules do not affect specific rights to information contained elsewhere in this Constitution or the law, including the Freedom of Information Act 2000.
	3 Rights of Press and Public to Attend Meetings
3.1	The press and public shall, subject to the exceptions contained in these rules, be entitled to attend all meetings subject to the capacity of the room in which the meeting is held. Unless there is another meeting being held in the room in which the meeting is to be held the press and public will be admitted to the room 30 minutes before the meeting is due to start.
3.2	Separate seating will be provided for the press and public. Admission will be available on the basis of 'first come, first served' with no seating being reserved. Where a meeting is being held in the Council Chamber the public (who are not invited guests) are only entitled to admission to the public gallery.
3.3	Except in respect of disturbances and inappropriate behaviour the press and public may only be excluded from a meeting in respect of business relating to confidential or exempt information as defined in the relevant legislation and set out below. Any resolution, excluding press and public, shall specify the nature of the confidential and/or exempt information relating to the business to be transacted which justifies the exclusion.

	<p>3.4 At meetings of the Full Council, in addition to Members or officers of the authority's, only invited guests and those asking questions, or presenting petitions or deputations shall be admitted to the floor of the Council Chamber. This is on the understanding that their presence will be restricted to the duration of the relevant item.</p>
	<p>4 Rights of Press and Public to Report on Meetings</p>
	<p>4.1 At any meeting of the Council and its committees that are open to the public the press and public may report on the meetings through any audio, visual or written methods. They may use digital and social media providing they do not disturb the conduct of the meeting. The person reporting or providing the commentary must be present at the meeting.</p>
	<p>4.2 Those wishing to film, photograph or audio record a meeting are asked, if possible, to notify the Council's Monitoring Officer by noon on the day of the meeting. Failing this to notify the Chair at the start of the meeting.</p>
	<p>4.3 The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.</p>
	<p>4.4 The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.</p>
	<p>4.5 The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.</p>

	<p>4.6 All those visually recording a meeting are requested to only focus on recording Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.</p>
	<p>4.7 If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease, and all recording equipment must be removed from the meeting room (see also Rule 27.4). The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.</p>
	<p>4.8 Providing verbal commentary during a meeting is not permitted.</p>
<p>5 Notice of Meetings</p>	
	<p>5.1 Except in cases of special urgency (see Rule 17), the Council will give at least 5 clear working days' notice of any meeting (this excludes both the day of the meeting and the day on which the meeting is called (see Rule 29.1). This notice will include the time and place of the meeting.</p>
<p>6 Access to Agenda and Reports before a Meeting</p>	
	<p>6.1 The Council will make available to the public copies of the agenda and any reports for a public meeting at Hackney Town Hall and on the Council website when these are made available to the Elected Mayor and Cabinet or another decision making body and, in any event, at least 5 clear days (see Rule 29.1) before the meeting except:</p>
	<p>i. Where the meeting is convened at shorter notice in accordance with Rule 16 (general exception) or Rule 17 (cases of special urgency), copies of the agenda and report shall be available to the public from the time the meeting is convened; and</p>

	ii.	Where an item is added to the agenda, copies of the item, the revised agenda including copies of any reports of the meeting shall be available for the public from the time that the item was added to the agenda.
	7 Items of Business	
	7.1 An item of business may not be considered at a meeting unless:	
	i.	A copy of the agenda including the item (or a copy of the item) is available to the public at least 5 clear working days before the meeting (see Rule 29.1); or
	ii.	Where the meeting is convened at shorter notice in accordance with Rule 16 (general exception) or Rule 17 (cases of special urgency), from the time the meeting is convened.
	7.2 Where the item of business relates to a key decision Rules 12 - 15 of these Rules also apply.	
	8 Supply of Copies	
	8.1 The Council will supply copies of:	
	i.	Any agenda and reports which are available to the public;
	ii.	Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
	iii.	If the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.
	8.2 The documents listed in 8.1 will also be available to the public through the Council's website.	
	9 Access to Minutes and Papers after a Meeting	

	9.1	The Council will make available copies of the following for six years after any meeting of the Cabinet and its Sub-Committees, Full Council, Overview and Scrutiny or any Committee or Sub-Committee
	i.	The minutes of the meeting and 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
	ii.	A summary of any proceedings not open to the public where the minutes if made available to inspection would not provide a reasonable, fair and coherent record;
	iii.	The agenda for the meeting; and
	iv.	Reports relating to items when the meeting was open to the public.
	9.2	There are additional requirements for the Elected Mayor and Cabinet which shall operate as in Rules 20 – 25.
	10 Background Papers	
	10.1	The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
	i.	Disclose any facts or matters on which the report or an important part of the report is based; and
	ii.	Which have been relied on to a material extent in preparing the report; but
	iii.	Do not include published works or documents which disclose exempt or confidential information (as defined in Rule 11), or the advice of a political advisor or assistant.

10.2	When a copy of a report for a private or public meeting is made available for inspection by the public, at the same time, the Council shall make available for inspection:	
	i.	A copy of the list of background papers to the report; and
	ii.	At least one copy of each of the documents included in that list.
10.3	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.	
10.4	When a copy of the whole, or part of a report, for a meeting is made available to the public, this will be available on the Council's website. The reports and the list of the background papers can be printed on request.	
	11 Exclusion of Access by the Public to Meetings	
11.1	<u>Confidential information – requirement to exclude public</u> 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.	
11.2	<u>Meaning of confidential information</u> “Confidential information” means:	
	i.	Information provided to the local authority by a government department upon terms (however expressed) which forbid disclosure of the information to the public; or
	ii.	Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court, and in either case, a reference to the obligation of confidence is to be construed accordingly. This includes information excluded under Freedom of Information Act 2000 or the Data Protection Act 2018.

	11.3	<p><u>Exempt information – discretion to exclude public</u> 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</p>						
	11.4	<p><u>Meaning of exempt information</u> “Exempt information” means information falling within the following seven categories (subject to any qualification); as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972.</p>						
		<table border="1"> <thead> <tr> <th data-bbox="376 633 975 689">Category</th> <th data-bbox="975 633 1394 689">Condition</th> </tr> </thead> <tbody> <tr> <td data-bbox="376 689 975 1227">1. Information relating to an individual</td> <td data-bbox="975 689 1394 1227">Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.</td> </tr> <tr> <td data-bbox="376 1227 975 1740">2. Information which is likely to reveal the identity of an individual</td> <td data-bbox="975 1227 1394 1740">Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.</td> </tr> </tbody> </table>	Category	Condition	1. Information relating to an individual	Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.	2. Information which is likely to reveal the identity of an individual	Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.
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		<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</p>	<p>Information falling within this paragraph is not exempt if it must be registered under various statutes, such as the Companies Acts, Charities Acts, Friendly Societies Acts, Industrial and Provident Societies Acts or the Building Societies Acts. The public interest condition set out above also applies.</p>
		<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority</p>	<p>Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.</p>
		<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below</p>

	6. Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment	Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.
	7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information falling within this paragraph is exempt if, and so long as, in the opinion of the Monitoring Officer, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information provided it is not otherwise prevented from being exempt by virtue of Rule 11.5 below.
	11.5 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 County Planning General Regulations 1992.	
	11.6 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which the meeting is likely not be open to the public.	
	Where the whole or part of any report for a public meeting is not available for inspection by the public, every copy of the report shall be marked “not for publication” and it shall be stated on the report:	
	i.	That it contains confidential information;

	ii.	The description of exempt information (by reference to the description in 11.4.1 above) by virtue of which the decision-making body is likely to exclude the public during the item to which the report relates; or
	iii.	That the report or part of the report contains the advice of a political assistant.
	12 Application of Rules to the Executive	
	12.1	Rules 13 - 29 apply to the Elected Mayor and Cabinet, its committees and individuals. If the Elected Mayor and Cabinet, meets to take a key decision or meets in public, then it must also comply with Rules 1 – 11 unless Rule 16 (general exception) or Rule 17 (cases of special urgency) apply.
	12.2	Key Decision A key decision is an Elected Mayor and Cabinet decision which is likely to:
	i.	Result in the Council incurring expenditure or the making of savings that is, significant having regard to the Council's budget for the service or function to which the decisions relates, or
	ii.	Be significant in terms of its effects on communities living or working in a ward comprising two or more wards in the area of the Council.
	13 Procedures before taking decisions	
	13.1	Subject to Rule 16 (general exception) and Rule 17 (cases of special urgency), a key decision should not be taken unless:
	i.	A notice (to be known as an Elected Mayor and Cabinet Meetings and Key Decisions Notice) has been published in connection with the matter in question; and

	i.	Where the decision is to be taken at a meeting of the Elected Mayor and Cabinet or its committees, notice of the meeting has been given in accordance with Rule 5 (notice of meetings)
	14	Elected Mayor and Cabinet Meetings and Key Decisions Notice
	14.1	An Elected Mayor and Cabinet Meetings and Key Decisions Notice will be published on the Council website and made available at Hackney Town Hall 28 clear days (see Rule 29.2) before a key decision is to be made.
	14.2	The Cabinet Meetings and Key Decisions Notice will contain matters which the Elected Mayor has reason to believe will be the subject of a key decision to be taken by the Cabinet, a Committee of the Elected Mayor and Cabinet, individual members of the Cabinet, Officers or under joint arrangements in the course of the discharge of an and Cabinet function during the period covered by the notice.
	15	Content of the Executive Meetings and Key Decisions Notice
	15.1	Each notice must contain in relation to each matter the following particulars:
	i.	That a key decision is to be made on behalf of the Council;
	ii.	The matter in respect of which a decision is to be made;
	iii.	Where the decision maker is an individual, their name and title, if any;
	iv.	Where the decision maker is a decision-making body, its name and details of its membership;
	v.	The date on which, or the period within which, the decision is to be made;

	vi.	A list of the documents submitted to the decision maker for consideration in respect of the key decision that is to be made;
	vii.	The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
	viii.	That other documents relevant to those matters may be submitted to the decision maker; and
	ix.	The procedure for requesting details of those documents (if any) as they become available.
	15.2	In addition, it will contain the following:
	i.	A unique reference number;
	ii.	A brief summary of the need for the decision and the impact of its implementation;
	iii.	The wards affected by the decision; and
	iv.	A notice that the decision-making body intends to meet in private after its public meeting to consider reports which contain exempt or confidential information. This notice must include a statement of the reasons for the meeting to be held in private.
	15.3	The above particulars in 15.2 must not contain any exempt information, the advice of a political assistant, and must not contain any confidential information.
	16	General Exception

	<p>16.1 Where a matter which is likely to be a key decision has not been included in the Cabinet Meetings and Key Decisions Notice, and it is impracticable to defer the decision until it has been included on the next Notice, then subject to Rule 17 (cases of special urgency), the decision shall only be taken if:</p>
	<p>i. The Monitoring Officer has informed, in writing, the Chair of the Scrutiny Panel, or, if there is no such person or if the Chair is unable to act, has informed the Speaker;</p>
	<p>ii. The Monitoring Officer has made copies of that notice available to the public at Hackney Town Hall and on the Council's website; and</p>
	<p>iii. At least 5 clear days (see Rule 29.1) have elapsed since the Monitoring Officer complied with (ii).</p>
	<p>16.2 As soon as is reasonably practicable after the Monitoring Officer has complied with 16.1, they must make available at Hackney Town Hall and the Council's website a notice setting out the reasons why compliance with Rule 14 is impracticable.</p>
17 Cases of Special Urgency	
	<p>17.1 Where the date by which a key decision must be taken makes compliance with Rule 16 (general exception) impracticable, then the decision shall only be made where the decision maker obtains the agreement of the Chair of the Scrutiny Panel that the taking of the decision is urgent and cannot reasonably be deferred.</p>
	<p>17.2 If there is no Chair of the relevant Scrutiny Panel, or if the Chair is unable to act, then the agreement of the Speaker or in their absence the Deputy Speaker will suffice.</p>
	<p>17.3 Where the date by which a non-executive decision must be taken makes compliance with Rule 5 (Notice of Meetings) or Rule 6 (Access to Agenda and Reports before a Meeting) impracticable, then the decision shall only be made where the decision maker obtains the agreement of the Speaker or, in their absence, the Deputy Speaker.</p>

	<p>17.43 As soon as it is reasonably practicable after the Monitoring Officer has obtained agreement under 17.1 or 17.3, the decision maker must make available at Hackney Town Hall and on the Council's website a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.</p>
	<p>17.54 The Elected Mayor will submit a quarterly report to Full Council on Cabinet decisions taken under this rule 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 each decision was made.</p>
	<p>17.6 The Monitoring Officer will submit a quarterly report to Full Council on non-executive decisions taken under this rule 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 each decision was made.</p>
	<p>18 Private meetings of the Cabinet or its Committees</p>
	<p>18.1 A private meeting is a meeting, or part of a meeting, of the decision-making body during which the public are excluded during an item of business relating to confidential or exempt information as set out in Rule 11. A private meeting is also a meeting where a Councillor(s), or members, of the public have been excluded in order to maintain orderly conduct or prevent misbehaviour.</p>
	<p>19 Procedures prior to private meetings</p>
	<p>19.1 A notice will be published on the Council's website and made available at Hackney Town Hall 28 clear days (see Rule 29.2) before a key decision is due to be taken. This notice will identify that the decision-making body intends to meet in private after its public meeting to consider reports which contain exempt or confidential information. This notice will include a statement of the reasons for the meeting being held in private.</p>
	<p>19.2 At least 5 clear days (see Rule 29.1) before a private meeting a notice will be published on the Council website and made available at Hackney Town Hall. This notice will include a statement of the reasons for the meeting to be held in private, details of any representations received concerning why the meeting should be held in public, and a statement of the response to any such representations. This notice will be included as part of the published agenda for the meeting.</p>

	<p>19.3 Where the date by which a meeting must be held makes compliance with Rules 19.1 and 19.2 impracticable, the meeting may only be held in private where the Monitoring Officer has obtained agreement of the Chair of the relevant Scrutiny Commission that the taking of the decision is urgent and cannot reasonably be deferred. If there is no Chair of the relevant Scrutiny Commission, or if the Chair is unable to act, then the agreement of the Speaker or in their absence the Deputy Speaker will suffice.</p>
	<p>19.4 As soon as reasonably practicable after the Monitoring Officer has obtained agreement under 19.3, the decision maker must make available at Hackney Town Hall and on the Council’s website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.</p>
	<p>20 Recording of Executive Decisions made at meetings</p>
	<p>20.1 As soon as is reasonably practicable after a meeting of a decision making body at which an Elected Mayor and Cabinet decision has been made, whether held in public or private, the Monitoring Officer (or if they are not present, the person presiding at the meeting) shall ensure that a written statement is produced in respect of every executive decision made at that meeting which includes:</p>
	<p>i. A record of the decision including the date it was made;</p>
	<p>ii. A record of the reasons for the decision;</p>
	<p>iii. Details of any alternative options considered and rejected at the meeting by the decision-making body at the meeting when the decision was made;</p>
	<p>iv. A record of any conflict of interest declared by any Councillor of the decision-making body which made the decision; and</p>

	v.	In respect of any declared conflict of interest, a note of any relevant dispensation granted by the Chief Executive or Monitoring Officer.
		This information will be included in the decision notice and will be in the minutes of the meeting.
	20.2	Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications, and may not be taken unless the proper Officer or their nominee is present.
	21	Recording of Cabinet Decisions made by individual Councillors of the Elected Mayor and Cabinet
	21.1	When an Officer prepares a report, which is to be given to an individual Councillor for decision, they must first give a copy of that report to the Monitoring Officer.
	21.2	Individual decisions may only be made by Councillors of the Cabinet in the presence of the Chief Executive, Chief Finance Officer or Monitoring Officer or their nominee (unless they waive that requirement) and the Officer whose responsibility it is to record the decision.
	21.3	As soon as is reasonably practicable after an individual Councillor has made a Cabinet decision, the Monitoring Officer shall ensure that a written statement is produced which includes:
	i.	A record of the decision including the date it was made;
	ii.	A record of the reasons for the decision;
	iii.	Details of any alternative options considered and rejected by the Councillor when making the decision;
	iv.	A record of any conflict of interest declared by any other Cabinet member who has been consulted as part of the decision-making process; and

	v.	In respect of any declared conflict of interest, a note of any relevant dispensation granted by the Chief Executive or Monitoring Officer.
21.4	All decisions taken individually by Members of the Cabinet must be based on written reports setting out significant legal, financial, service and corporate implications.	
22	Recording of Executive Decisions made by Officers	
22.1	As soon as is reasonably practicable after an Officer has made a decision, which is closely connected to the discharge of a function which is the responsibility of the Cabinet, the Officer shall notify the Monitoring Officer and shall ensure that a written statement is produced which includes:	
	i.	a record of the decision including the date it was made;
	ii.	A record of the reasons for the decision;
	iii.	Details of any alternative options considered and rejected by the Officer when making the decision;
	iv.	A record of any conflict of interest declared by any Cabinet Councillor who is consulted by the Officer which relates to the decision; and
	v.	In respect of any declared conflict of interest, a note of any relevant dispensation granted by the Chief Executive or Monitoring Officer.
23	Availability of documents following Executive and Non-Executive decisions	

	<p>23.1 As soon as is reasonably practicable after an Elected Mayor and Cabinet decision has been made, the Monitoring Officer will ensure that a copy of the record in compliance with Rules 20 - 22 and Rule 30, and any report considered at the meeting or by an individual Councillor or Officer and is relevant to the decision recorded, is made available to the public at Hackney Town Hall and on the Council's website.</p>
	<p>23.2 The Monitoring Officer will ensure that any newspaper making a request for a copy of any of the documents listed in 23.1 will be supplied with those documents on payment by the newspaper of postage, copying or other necessary charges.</p>
	<p>24 Additional rights of access to documents for Councillors</p>
	<p>24.1 All Councillors are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business transacted at a public meeting at least 5 clear days before the meeting (see Rule 29.1).</p>
	<p>24.2 If a meeting is convened or an item is added to the agenda at shorter notice than 5 clear days (see Rule 29.1), then a document must be available when the meeting is convened or the item added.</p>
	<p>24.3 All Councillors are entitled to have access to any document which is in the possession or under the control of the Elected Mayor and Cabinet and contains material relating to:</p>
	<p>i. any business transacted at a private meeting; or</p>
	<p>ii. Any decision made by an individual Councillor or Officer in accordance with executive arrangements, within 24 hours of the meeting concluding or the decision being made.</p>
	<p>24.4 Councillors are not entitled to have access to documents disclosing exempt information as defined by paragraphs 1, 2, 4, 5, and 7 of Schedule 12A of Local Government Act 1972 (See Rule 11.4).</p>
	<p>24.5 Councillors are entitled to have access to documents as defined by paragraphs 3 and 6 of Schedule 12A of the Local Government Act 1972 (see Rule 11) unless the information relates to terms proposed or to be proposed in negotiations for a contract.</p>

	25	Additional rights of access to documents for Members of the Scrutiny Commissions
	25.1	Members of the Scrutiny Commissions are entitled to have made available to them a copy of any document requested which is in the possession or under the control of the Elected Mayor and Cabinet. Where documents contain material relating to any business transacted at a meeting of a decision making body; or any decision made by an individual Member or Officer in accordance with executive arrangements a copy must be provided, as soon as reasonably practicable and no later than 10 clear working days following the request being received.
	25.2	No Member of a Scrutiny Commission is entitled to a copy of:
	i.	A document containing exempt or confidential information unless: a) That document contains information relevant to an action or decision that the Member is reviewing or scrutinising; or b) That document contains information relevant to a review contained in the work programme of the Scrutiny Commission of which they are a Member.
	ii.	A document or part of a document containing advice provided by a political adviser or assistant.
	25.3	If the Elected Mayor and Cabinet determines that a Member of a Scrutiny Commission is not entitled to a copy of the document, it must provide the relevant Commission with a written statement setting out the reasons for this decision.
	26	Reports to the local authority where the key decision procedure is not followed

	26.1	Where the Elected Mayor and Cabinet are of the opinion that a decision is not to be treated as a key decision, the relevant Scrutiny Commission may require the Elected Mayor and Cabinet to submit a report containing:
	i.	The decision and the reasons for the decision;
	ii.	The decision-maker;
	iii.	Why the decision was considered not to be a key decision.
	26.2	The Scrutiny Commission can specify the reasonable period within which the report should be submitted.
	27	Confidential information, exempt information and advice of a political adviser or assistant
	27.1	Nothing in these Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
	27.2	Nothing in these Rules authorises or requires the Council to disclose to the public or make available to the public any document or part of a document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain:
	i.	Confidential information, or
	ii.	Contains or is likely to contain exempt information, or
	iii.	The advice of a political adviser or assistant.
	27.3	Nothing in these Rules authorises or requires documents relating to an Elected Mayor and Cabinet decision made by a Councillor or Officer to be disclosed to the public, or made available to the public, when, the documents contain confidential information and, requires documents relating to that decision to be disclosed to the public, and made available to the public. Where the disclosure of the documents would, in the opinion of the Councillor or Officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.

	27.4	Nothing in these Rules requires a decision-making body to permit the taking of any photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place (see Rule 4).
28 Summary of the availability and supply of documents		
	28.1	Any document required by any provision of these Rules will be open to inspection by members of the public during Officer hours at Hackney Town Hall and on the Council's website.
	28.2	Members of the public may make a copy of a document or request for it to be copied. The Council can charge a reasonable fee for the inspection, copying, postage and transmission or supply of documents (see also Rule 8).
	28.3	Members of the public can reproduce or provide commentary on any document available for inspection.
	28.4	Rules 28.2 and 28.3 do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the Council, nothing done pursuant to that paragraph constitutes an infringement of the copyright.
	28.5	Where any document is required by these Rules to be –
	a)	Made available to the public; or
	b)	Supplied in pursuance of Rules 8 and Rule 23;
		the publication of any defamatory matter contained in the document is privileged, unless the publication is proved to be with malice.
	28.6	Any written record of a decision or any report required by Rule 23 to be made available to the public, will be retained by the Council and made available for inspection by the public for a period of at least six years beginning on the date on which the decision, to which the report or record relates, was made.
	28.7	The rights of public inspection of documents are in addition to other rights they may have.

	<p>29 Definition of ‘Clear Days’ Notice’ with regard to the Access to Information Procedure Rules</p>
<p>29.1</p>	<p><u>5 Clear Days’ Notice</u> As per the definition of ‘Clear Day’ in part 1 of the Constitution, where it states in these Rules that 5 clear days’ notice is required this means that 5 clear working days’ notice must be provided, and excludes weekends and bank holidays as well as the date of issue of the notice and the date on which the meeting is to be held.</p>
<p>29.2</p>	<p><u>28 Clear Days’ Notice</u> Where it states in these Rules that 28 clear days’ notice is required, 28 clear days includes working days, weekends and bank holidays, but excludes the date of issue of the notices and the date of the meeting at which the decisions are to be taken.</p>
<p>30</p>	<p>Recording of Non-Executive Decisions made by Officers</p>
<p>30.1</p>	<p>As soon as is reasonably practicable after an Officer has made a non-executive decision, as described in paragraph 30.2 below, the Officer shall notify the Monitoring Officer and shall ensure that a written statement is produced which includes:</p>
	<p>i. A record of the decision including the date it was made;</p>
	<p>ii. a record of the reasons for the decision;</p>
	<p>iii. Details of any alternative options considered and rejected by the Officer when making the decision; and</p>
	<p>iv. A record of any conflict of interest declared by any Member of the Council who has declared an interest in relation to the decision.</p>

	<p>30.2 Those non-executive decisions by Officers which must be recorded, as set out in paragraph 30.1 above, are those decisions made under the delegated authority of the Council, a Committee or Sub-Committee, or a Joint Committee, taken either:</p>		
	<table border="0"> <tr> <td data-bbox="376 389 794 488">i.</td> <td data-bbox="794 389 1394 488">Under a specific express authorisation; or</td> </tr> </table>	i.	Under a specific express authorisation; or
i.	Under a specific express authorisation; or		
	<table border="0"> <tr> <td data-bbox="376 488 794 808">ii.</td> <td data-bbox="794 488 1394 808"> Under a general authorisation and the effect of the decision is to – <ul style="list-style-type: none"> a. Grant a permission or licence; b. Affect the rights of an individual; or b) Award a contract or incur expenditure which materially affects the Council's financial position. </td> </tr> </table>	ii.	Under a general authorisation and the effect of the decision is to – <ul style="list-style-type: none"> a. Grant a permission or licence; b. Affect the rights of an individual; or b) Award a contract or incur expenditure which materially affects the Council's financial position.
ii.	Under a general authorisation and the effect of the decision is to – <ul style="list-style-type: none"> a. Grant a permission or licence; b. Affect the rights of an individual; or b) Award a contract or incur expenditure which materially affects the Council's financial position. 		
	<p>30.3 The requirement in paragraph 30.1 to produce a written record of any decision that falls within paragraph 30.2 is satisfied where, in respect of a decision, a written record containing the information referred to in paragraph 30.1(i) and (ii) is already required by legislation other than the Openness of Local Government Bodies Regulations 2014.</p>		