

**PART B**

**PUBLIC PARTICIPATION**

## 1. NEWARK & SHERWOOD DISTRICT COUNCIL'S PETITION SCHEME

### 1.1 Introduction

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. A petition is defined as a communication in writing or using an electronic facility, which is signed by the appropriate number of qualifying people. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to the Chief Executive, Newark & Sherwood District Council, Castle House, Great North Road, Newark, Notts. NG24 1BY.

Petitions with less than 1,000 signatures can be presented to a meeting of the full Council on your behalf by a Councillor. These meetings take place within an annual cycle of meetings, details of which can be found at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk). If you would like your petition to be presented to a full Council Meeting please contact your local Councillor asking them to present it on your behalf or contact Democratic Services on 01636 655243 or [committees@newark-sherwooddc.gov.uk](mailto:committees@newark-sherwooddc.gov.uk) at least 10 working days before the Council meeting.

If your petition has received 1,000 signatures or more from people that live and/or work in the District then this will trigger a debate at full Council. If this is the case contact will be made with the lead petitioner to discuss arrangements.

**If your petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures will apply.**

### 1.2. What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. The subject should be relevant to some matter in relation to which the Council has functions or which affects the area or its residents. It should also state what action the petitioners wish the Council to take; and
- the name and address (including postcode) and signature of any person supporting the petition.

Signatures are only valid for people who live, work or study within the District. In the case of an e-petition submitted via the Council's website or an alternative platform, a signature is not required but a valid email address, name, address and postcode must be supplied by each of the petitioners. Further details about e-petitions are given later in this petition scheme.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

If you want to submit a petition to a specific meeting of the Council then you need to ensure that we receive a completed petition with details of the petition subject matter, number of signatures and your contact details 10 working days before the meeting to enable it to be submitted and included on the summons for the meeting.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

The Council's Monitoring Officer will decide as to whether or not the guidelines referred to above have been met and therefore whether a petition should be accepted.

### **1.3 What will the Council do when it Receives my Petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures will apply.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

#### **1.4. How will the Council Respond to Petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by a Cabinet Member or a committee of the Council whose remit includes the matters referred to in the petition
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

If your petition is about something that a different Council is responsible for or over which the Council has no direct control (for example rail services or a hospital) we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other organisation, but could involve other steps. In any event we will always notify you of the action we have taken.

#### **1.5. Full Council Debates – Petitions with More than 1,000 Signatures**

If a petition contains more than 1,000 signatures it will be scheduled for debate by the Full Council. This means that the issue raised in the petition will be discussed at a meeting at which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. 15 minutes will be allocated for the debate. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

The Council may consider there to be a more expedient way in which to deal with a petition which contains more than 1,000 signatures. If this is the case, the lead petitioner will be notified accordingly and the petition will be presented to full Council together with confirmation of the action taken.

**1.6. Presentation of Petitions at Full Council – Petitions with Fewer than 1,000 Signatures**

Your petition may not have the requisite number of signatures to trigger a Council debate. However, your petition can still be presented to a meeting of the full Council. When you are satisfied that your petition meets all of the criteria you should contact your local Ward Councillor or appropriate Member to request the submission of the petition to the next full Council Meeting. Democratic Services can also approach the relevant Councillor on your behalf.

The Member being asked and wishing to present the petition should satisfy themselves that the petition meets the guidelines for petitions as set out in this Scheme and notify the Chief Executive, prior to the full Council meeting that they intend to present the petition. They have a maximum of 1 minute in which to present the petition to the full Council meeting. The petition organiser does not have a right to present the petition to the full Council meeting and there will be no debate.

**1.7. E-Petitions**

The Council welcomes e-petitions which are created through our website [www.newark-sherwooddc.gov.uk/epetitions](http://www.newark-sherwooddc.gov.uk/epetitions). For these the petition organiser must provide us with their name and address (including postcode) and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe up to a maximum of 12 months. When you create an e-petition it will take up to 5 working days before it is published on the website. This is because we have to check that the content of your petition before it is published online. If we feel that we cannot publish your petition for some reason we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the website.

When an e-petition has closed for signature it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgment within 10 working days. You can see all the e-petitions currently available on the website [www.newark-sherwooddc.gov.uk/epetitions](http://www.newark-sherwooddc.gov.uk/epetitions). When you sign the e-petition you will be asked to provide your name, postcode and a valid email address.

E-Petitions from alternative platforms may be accepted providing the guidelines at paragraph 1.2 above are met, or at the discretion of the Monitoring Officer in exceptional circumstances.

**1.8. What can I do if I feel my Petition Has Not Been Dealt with Properly?**

Depending on the nature of any concerns raised, the matter may be considered under the corporate complaints procedure, or another appropriate procedure.

## **2. QUESTIONS BY THE PUBLIC**

2.1 Members of the public resident in the District may submit questions to the District Council for consideration at Council meetings. The procedure is:

- Notice of a question must be given to the Chief Executive in writing or by email (committees@nsdc.info) not later than noon on the day eight days before the date of the Council meeting (Full Council normally meets on Tuesdays, so this means the deadline would be noon the Monday before the meeting)
- The questioner must provide their full name and address
- The question must be relevant to matters in relation to which the Council has powers or duties or which affects the area or the residents of the area

2.2 The Chief Executive may reject a question if it is considered that it:

- is not about a matter for which the Council has a responsibility or which affects the area or the residents of the area;
- is frivolous, defamatory, vexatious or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the previous 6 months; or
- requires the disclosure of confidential or exempt information when being answered.
- it relates to a matter which is of purely personal concern to an individual/family member.

2.3 Only one question can be submitted by any individual or behalf of an individual organisation.

2.4 The question (unless rejected) will be published with the summons for the meeting.

2.5 The procedure which sets out how the question will be dealt with at Full Council is set out in the Procedure Rules Section of this Constitution. Please note the following 3 points regarding the Procedure: -

- If the questioner is in attendance at the meeting they will be entitled to speak once at Full Council, to ask a single supplementary question after their published question is answered. The supplementary question must be relevant to the subject matter of the original question.
- When a question is submitted in accordance with this procedure, significantly in advance of the deadline for submission, the Chief Executive will determine if it is more expedient to respond in writing if it is considered the question should not wait until the next scheduled Council Meeting.
- On occasion it will not be possible to answer a question in Full Council for example because there are too many questions to deal with in the time allocated; the procedure rules allow for written replies to be provided.

### 3. NEWARK & SHERWOOD DISTRICT COUNCIL TENANT INFLUENCE & ASSURANCE BOARD

#### 3.1 Rules

- Formal committee procedure rules do not apply to the Tenant Influence & Assurance Board; meetings will have a Chair as provided for below, and informal agendas will be circulated in advance.
- The Chair will have regard to the Work Programme for the Policy & Performance Improvement (PPI) Committee in developing agendas for meetings and will consult with the Chair of that Committee to avoid duplication of work where appropriate.

#### 3.2 Membership, Chair and Quorum

Number of Members	12
Substitute Members Permitted	No
Political Proportionality Rules Apply	No
Appointments	A recruitment process will apply to Tenant Members. PPI Committee Members shall be appointed annually.
Removals	By the Portfolio Holder for Housing in consultation with TIAB Chair. Where the removal involves the TIAB Chair, the Portfolio Holder for Housing will consult with the Business Manager for Housing Services. Full guidelines and process are contained in a separate schedule.
Membership	<ul style="list-style-type: none"> <li>• <b>Tenants:</b> 5 representatives from across the district, forming 5 of the 10 Tenant Engagement Champions.</li> <li>• <b>Staff:</b> 3 officers, including a Business Manager from relevant housing service areas and an officer from the Tenant Engagement Team (non-voting).</li> <li>• <b>Elected Members:</b> The Portfolio Holder for Housing plus 3 elected members will sit on the Board who are members of PPIC.</li> </ul>
Chair	The Board will be chaired by a tenant representative who will be elected annually by the Board members. A Vice-Chair will also be appointed to support and deputise as needed from the board.
Quorum	Minimum of 6 – 3 tenant representatives; 2 elected members; and 1 staff member.
Number of Ordinary Meetings per Council Year	At least 4 per year

Officer Support	Either a Business Manager or a Tenant Engagement Officer will also attend each meeting
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### **3.3 Terms of Reference**

#### Roles of Board Members

Each member of the Tenant Influence & Assurance Board plays a vital role in ensuring the Board functions effectively and inclusively. Roles are defined to promote clarity, accountability, and shared responsibility.

#### Tenant Representatives

- Act as a collective and independent voice for tenants across the district.
- Provide constructive challenge to the Council by questioning data, decisions, priorities and performance.
- Request, review and use relevant performance, satisfaction and engagement data to help shape Board agendas and forward plan, to ensure discussions reflect the priorities of all tenants.
- Share lived experiences, insights and feedback to help shape, improve and assure the quality of services.
- Hold the Council to account by seeking clarity, evidence and updates on how tenant feedback has influenced decisions and outcomes.
- Engage with wider tenant networks to gather views and test whether services and changes reflect tenant needs.
- Promote transparency, trust and mutual accountability between tenants and the Council.

#### Staff Members

- Provide operational insight and context to support discussions.
- Respond to queries and provide relevant data or updates.
- Support the implementation of Board recommendations.
- Facilitate communication between the Board and Council departments.

#### Elected Members

- Offer strategic oversight and democratic accountability.
- Ensure alignment with Council policies and priorities.
- Champion tenant engagement within wider Council decision-making.
- Support the Board's recommendations through formal Council channels, this may include suggesting working groups to the PPIC for scrutiny measures.

Chair

- Facilitate meetings in a fair and inclusive manner.
- Ensure all voices are heard and discussions remain focused.
- Lead on conflict resolution and consensus-building.
- Represent the Board in external communications where appropriate.

Vice-Chair

- Support the Chair and deputise when necessary.
- Assist in preparation and follow-up of meetings.
- Help maintain continuity and momentum between meetings.

**3.4 Responsibilities of Board Members**

Board Members

- Attend at least 80% of meetings and actively participate.
- Represent the views of their communities or service areas.
- Respect confidentiality and uphold the Council's values.
- Review reports, data, and proposals in advance of meetings.
- Contribute to debate and challenge the views of others appropriately.

Council Officers

- Provide relevant reports, data, and updates making clear what contributions and insights would be valuable to tenants.
- Support the Board with administrative and facilitation duties.
- Ensure actions and recommendations are followed up and influence is evidenced.

**3.5 Purpose**

The Tenant Influence & Assurance Board (TIAB) exists to strengthen tenant involvement, enhance transparency, and ensure accountability in housing services. The Board provides a collaborative forum for tenants, staff, and elected members to influence decision-making, monitor performance, and assure service quality.

**3.6 Objectives**

- To provide oversight and assurance on housing service delivery and performance.
- To ensure tenant voices are central to shaping policies, services, and improvements\*.
- To review and challenge service standards, performance data, and customer feedback.
- To formally link the TIAB to PPIC for evidenced Council wide scrutiny.

- To promote transparency, fairness, and continuous improvement in housing services.
- To support the Council's commitment to co-production and tenant empowerment.

\*For the purpose of cross-cutting policies and strategies, where required, these tenant specific policies and strategies would be considered by a PPI Committee Working Group to which appropriate Tenant Representatives would be invited as stakeholders.

### **3.7 Meetings**

The Board will meet at least quarterly. Additional meetings may be scheduled as required. Meetings will be held in accessible venues or online, with support provided for digital inclusion. Meetings will be administered by the Council's Democratic Services Team with support from Housing and other colleagues, dependent upon the items of business under consideration.

### **3.8 Decision Making and Recommendations**

The Board is advisory and does not hold formal decision-making powers. However, its recommendations will be formally recorded and considered by the Council's Housing Teams and relevant committees.

### **3.9 Reporting and Communication**

Minutes and actions will be shared with all members and published where appropriate. Insight, feedback and outcomes from wider tenant engagement activities will be reported to the Board to inform discussion, challenge and assurance. A summary of Board activity, wider engagement themes and resulting outcomes will be communicated to tenants through newsletters and annual reports. The Board may produce an annual statement of assurance.

### **3.10 Review of Terms of Reference**

These Terms of Reference will be reviewed annually by the Board, to ensure they remain relevant and effective.

### **3.11 Recognition and Incentives**

Tenant representatives shall be entitled to claim their reasonable expenses incurred in the fulfilment of their role, in line with the Tenant Engagement Recognition & Incentives Scheme.

### **3.12 Conflict Resolution**

In the event of disagreements or conflicts among Board members, the following steps will be taken:

- Encourage open and respectful dialogue to understand differing perspectives.
- The Chair will facilitate mediation and seek consensus.
- If unresolved, the matter may be referred to an independent mediator or Council officer for guidance.
- All members are expected to adhere to the Council's Code of Conduct and maintain professionalism.

#### **4. PLANNING COMMITTEE**

The Planning Committee's Protocol for Dealing with Planning Matters sets out who is entitled to speak at meetings of the Committee.

## **5. ACCESS TO INFORMATION PROCEDURE RULES**

### **5.1. Introduction**

The Council is committed to the principles of transparency laid down in the access to information legislation (including the Freedom of Information Act 2000 and Environmental Information Regulations 2004). The Council is committed to:-

- i. promoting a positive attitude to dealing with requests for information;
- ii. maintaining information in an orderly and efficient fashion and disposing of information that is no longer required;
- iii. increasing awareness and understanding of the implications of the access to information legislation both amongst its employees and amongst members of the public.

These Access to Information Procedure Rules make provision for access to information to relevant matters set out in this Constitution and do not affect additional rights to information contained elsewhere in this Constitution or the law.

### **5.2 Scope**

Unless otherwise stated, these Rules apply to all meetings of the Council, Committees, Sub-Committees Joint Committees, and other Council bodies as well as public meetings of the Cabinet (together called “meetings”).

Meetings of Working Groups, the Tenant Influence & Assurant Board, the Planning Policy Board and any informal meetings of Councillors and Officers fall outside the scope of these rules.

### **5.3 Rights to Attend Meetings**

Members of the public may attend, record, photograph, film and report on all meetings subject only to the exceptions in these Rules or the Procedure Rules applicable to the conduct of the meeting.

Members of the public who wish to report or record public meetings are required to comply with guidance on the reporting and recording of meetings which may be issued by the Council. The Council will not permit the recording or reporting of proceedings where the public are not allowed to attend the meeting, or that part of the meeting, by reason of the likely disclosure of exempt or confidential information, (as defined below under paragraphs 4.10 - 4.13) and such reporting and recording must be conducted in such a manner as not to disrupt the conduct of the meeting and its business.

Members of the public who wish to record, photograph, film and report on public meetings are recommended to advise Council officers in advance of the meeting so that all necessary practical arrangement can be made.

Non-Cabinet Members can attend the meetings of the Cabinet as a member of the public. Members of the public are not able to ask questions at Cabinet Meetings but councillors attending as a member of the public may ask questions subject to compliance with the Cabinet Procedure Rules

#### **5.4 Notices of Meeting**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting on the Council's website and at its principal offices.

Meetings will normally be held in public unless the content of the meeting requires it to be held in private.

If the Cabinet wishes to consider a significant item in private it will give 28 clear days' notice of its intention to do so on the Forward Plan unless there are exceptional circumstances.

After having given 28 clear days' notice of its intention to consider an item in private, a further notice at least 5 clear working days before the meeting that the meeting will proceed in private will be given. This Notice will include the Cabinet's reasons for meeting in private, details of any representations received that the meeting should not be held in private and the Council's response.

If it is proposed that the Cabinet consider a significant item in private and 28 clear days' notice of such a meeting has not been given on the Forward Plan, the agreement of the Chair of the Policy & Performance Improvement Committee is required if the public are to be so excluded.

#### **5.5 Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports for meetings open to the public available on the Council's website and available for inspection at its principal offices at least five clear days before the meeting. Where an urgent item is added after this time, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors, and will ensure that it will be open to inspection from the time the item was added to the supplementary agenda.

#### **5.6 Supply of Copies**

The Council will supply to any person copies of:

- i. any agenda and reports which are open to public inspection;
- 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;
- iv. The Council may charge to supply this information if permitted to do so under a charging policy.

### **5.7 Access to Minutes etc. After the Meeting**

Draft minutes of a meeting and the decisions made are only confirmed as a correct record of the meeting and the decision when:

- i. Approved as a correct record at the next convenient meeting of the relevant body;
- ii. Signed as a correct record of the meeting;
- iii. If applicable, signed by the Cabinet Member or Officer who has taken the decision alone.

Where appropriate, the Council will prepare and make available on request, a draft decision notice, as soon as practicable after the decision has been made, but any such draft should not be relied on as a correct record until it has been confirmed as such.

The Council will make available access to copies of the following after a meeting in accordance with its Retention Schedule:

- i. the minutes of the meeting, or, where appropriate, records of decisions taken, together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
- ii. 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;
- iii. the agenda for the meeting; and
- iv. reports relating to items when the meeting was open to the public provided that such reports do not contain confidential or exempt information or, if they do, the information disclosed is no longer confidential or exempt.

### **5.8 Background Papers**

The author of a report will set out in within it a list of those documents (the “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 does not include published works or those which disclose exempt or confidential information.

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, except in so far as they disclose exempt or confidential information.

## **5.9 Summary of the Public’s Rights**

A written summary of the public’s rights to attend meetings and to inspect and copy documents will be kept at the Council’s principal offices. These rules constitute that written summary. Details of where inspection and copying may take place will be included.

## **5.10 Confidential Information – Exclusion of the Public**

The public must be excluded from an item at a meeting 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.

## **5.11 Meaning of Confidential Information**

For the purposes of access to reports 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 reason of a court order or any enactment.

## **5.12 Exempt Information – Discretion to Exclude Public**

The public may be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where a decision on an item at a meeting will determine any person’s rights or obligations, or adversely affect their possessions, Article 6 of the European Convention on Human Rights establishes a presumption that the discussion of the item will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## **5.13 Meaning of Exempt Information**

Subject to Rule 13.2 below, and to the test of the Public Interest set out in Rule 14 below, information is exempt information where it falls within any of the following categories:

- i. Information relating to an individual;
- ii. Information which is likely to reveal the identity of an individual;
- iii. Information relating to the financial or business affairs of any particular person (including the public authority holding the information), except where the information is required to be registered under certain prescribed statutes detailed in Part 2 of Schedule 12A Local Government Act 1972 from time to time which include the Companies Acts (as defined by s.2 of the Companies Act 2006) and the Charities Act 2011;
- iv. “Financial or business affairs” includes contemplated, as well as past or current activities;

- v. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council. “Labour relations matter” means any matter which may be the subject of a trade dispute, or any dispute about any such matter (i.e., a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992;
- vi. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- vii. Information which reveals that the Council proposes:
  - to give under any enactment a notice, under or by virtue of which requirements are to be imposed on a person; or
  - to make an order or direction under any enactment.
- vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime;

Planning permission information falling within any of the categories above is not thereby exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

#### **5.14 Public Interest Test**

Information falling within any of the categories under 4.13 above, which is prevented from being exempt because either:

- i. It falls within 4.13 iii and is required to be registered under the prescribed enactments; or
- ii. It is planning permission information,

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.

#### **5.15 Freedom of Information Act 2000 and Environmental Information Regulations 2004**

In compliance with the Freedom of Information Act 2000, the Council will respond to any requests for information. There is no charge for responding to requests for information other than ‘disbursement’ costs; however, a charge may be made if it exceeds the government’s advisory fee level, or the request is one which comes under the Environmental Information Regulations 2004.

#### **5.16 Exclusion of Access by the Public to Reports**

The Monitoring Officer may exclude access by the public to a report which, in the opinion of the Monitoring Officer, relates to an item during which, in accordance with the above Rule 10 or Rule 12 the meeting is likely not to be open to the public; or, as the case may be, was not open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed. Before the

public is excluded in accordance with this provision, the Council must have complied with the Notice provisions in Rule 4 above.

### **5.17 Rights of Access to Information by Councillors**

Where a Council body has resolved to exclude the public from a meeting or part of a meeting on the grounds that exempt or confidential information is being considered, councillors who are not members of that body will generally also be excluded from that meeting or part of the meeting. However, a councillor may attend the meeting and/or inspect any exempt or confidential documents relating to the business of the body if they can demonstrate a "need to know".

A councillor's "need to know" arises when they require the information in order to carry out properly their duties as a councillor. It may apply to information about matters affecting their electoral division or matters which relate to a Council body or informal working group to which they belong. It does not arise where a councillor would simply like to know what is in a document or what may be said at a meeting, or enable a councillor to 'trawl' through a large number of files in search of information (sometimes known as 'fishing for information'). Whether a need to know arises in a particular case will be a matter of fact and degree, to be decided in the light of all the circumstances of the request.

It is a general presumption that all reports, including those containing confidential or exempt information, will be available to the Policy & Performance Improvement Committee or Call-In Sub-Committee where they are relevant to that business to be conducted by that Committee. This presumption may be dis-applied in exceptional circumstances.

In the event of a dispute, the Monitoring Officer will determine whether a councillor has demonstrated a "need to know" by assessing whether it is reasonable to refuse access given all the circumstances.

### **5.18 Rights of Councillors to Request a Review of Exempt Information**

Any Councillor may make a written request to the Monitoring Officer that information which it has been resolved should be treated as exempt information should be released into the public domain.

The written request shall clearly set out the reasons for the request including any material change in circumstances since the information was categorised as exempt and why the Member making the request considers that the need to treat the information as exempt no longer outweighs the public interest in disclosure.

If the Monitoring Officer considers that the request is valid they will refer the request to the Cabinet or Committee which resolved to treat the information as exempt. The request will be considered at the next available meeting.

### **5.19 Publication Procedure Before Taking Key Decisions**

Subject to the general exception, special urgency or major emergencies provisions set out in the Council's Procedure for Taking Urgent Decisions in Part D Section 6, a key decision may not be taken unless:

- i. at least **28 clear days' notice** has been published in connection with the matter in question by means of the Forward Plan);
- ii. at least **three clear days** have elapsed since the publication of the notice of the decision, unless the decision taker has resolved that implementation of the decision is urgent in which case the decision can be implemented without delay;
- iii. where the decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, notice of the meeting has been given in accordance with these Access to Information Procedure Rules.

### **5.20 Publication of The Forward Plan**

The Council's Leader will ensure that notice of all Key Decisions (to be taken by the Cabinet or by individual Cabinet Members) is given at least **28 clear days** before they are due to be taken.

The Council will list all Key Decisions once a month in a Forward Plan indicating which decisions the Cabinet anticipate it will take during the next 4 months, together with any particularly significant Key Decisions which the Cabinet anticipates taking within the next 4 to 12 months. The Monitoring Officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or Officers as they consider appropriate.

The Forward Plan shall include the following information in respect of each key decision:

- i. The matter in respect of which the decision is to be taken;
- ii. The person or body by whom the decision is to be taken;
- iii. The date on which, or the period within which, the decision is to be taken;
- iv. Notice, if appropriate, of an intention to take a decision in private because the decision contains confidential or exempt information.

Where the Cabinet anticipates taking a Key Decision on a matter, and inclusion of the matter within the Forward Plan would disclose confidential or exempt information and so prejudice the conduct of the Council's business, the Cabinet may limit the entry in the Forward Plan to such information as may be disclosed without prejudice.

The Cabinet shall normally review and update the Forward Plan at least once in every calendar month and shall make arrangements for the revised Forward Plan to be made available on its website.