

## **APPENDIX 3**

### **PART 4 - ACCESS TO INFORMATION PROCEDURE RULES**

#### **1. SCOPE**

- 1.1 These Procedure Rules apply to all meetings of the Council, of Council Boards, Committees and Panels (as identified in Section 4 to Part 3 of this Constitution), of Overview and Scrutiny Committees (as identified in Section 5 to Part 3), and of the Cabinet and Committees and Boards of the Cabinet (as identified in Section 7 to Part 3) (together called meetings). These Procedure Rules also apply to individual Members and to Officers when taking decisions on an individual basis.
- 1.2 These Procedure Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

#### **2. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings unless confidential or exempt information as defined in Procedure Rule 9 is to be considered and the meeting has resolved to exclude the public.

#### **3. NOTICE OF MEETING**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, Oldham, and on the Council's website.

#### **4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 4.1 The Council will make copies of the agenda and reports available for public inspection at the Civic Centre, Oldham and on the Council's website at least five clear days before the meeting unless the meeting is convened at shorter notice, in which case the agenda and reports will be available as soon as convened. 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 designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

- 4.2 For all purposes of these Rules and the Constitution in general, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:
- a) “open to inspection”, shall include for these and all other purposes as being published on the website of the Council; and
  - b) to be published, posted or made available at offices of the Authority, shall include publication on the website of the Authority.

## **5. SUPPLY OF COPIES**

The Council will supply copies of the following documents to any person on payment of a charge for postage and any other costs:

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item.

## **6. ACCESS TO AGENDA, MINUTES, DECISION RECORDS AND REPORTS**

6.1 The Council will make available copies of the following for six years:

- a) the minutes of a meeting excluding any part which discloses exempt or confidential information;
- b) records of decisions taken, together with reasons, for all decisions taken by the Cabinet, Cabinet Committees and Boards, and for key decisions taken by individual Cabinet Members and by Officers, excluding any part which would disclose exempt or confidential information;
- c) a summary of any proceedings of any meeting not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- d) the agenda for any meeting; and
- e) reports relating to any items which would not disclose confidential or exempt information.

6.2 The relevant Chief Officer or report author will make available copies of the background papers referenced in any report available to the public for a period of four years.

## **7. MATTERS TO BE CONSIDERED IN EVERY REPORT TO ALL MEETINGS AND TO INDIVIDUAL DECISION MAKERS**

7.1 Every report shall consider under separate headings the following matters:

1. Legal Implications
2. Financial Implications
3. Human Resource Implications
4. Co-operative Implications
5. Risk Assessments
6. IT Implications
7. Property Implications
8. Environmental and Health and Safety Implications

9. Procurement Implications
  10. Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998
  11. Equality Impact – including implications for Children and Young People
- 7.2 The person compiling a report must also set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author disclose any facts or matters on which the report or an important part of the report is based and which have been relied on to a material extent in preparing the report.
- 7.3 The requirement to list background papers does not include published works, documents which would disclose exempt or confidential information (as defined in Procedure Rule 9) or, in respect of executive reports, the advice of a political advisor.
- 7.4 Background papers must be available for public inspection and where the report relates to an executive decision the background papers must also be available on the Council's website
- 7.5 If the person compiling the report is to recommend that the public be excluded from the meeting during consideration of the report and/or from having access to the report on the grounds that the report contains exempt information, the person must give a consideration to the balance of public interest when recommending confidentiality.
- 7.6 Paragraph 7.1 does not apply to Planning Committee, Commons Registration Committee and Charitable Trust Committee meetings.