

Constitution Review

Part 4 – Access to Information Procedure Rules

Following approval to implement a new format for the Council's Constitution, Part 4 of the document sets out the Rules of Procedure Section. This particular aspect of the Constitution relates to Access to Information Procedure Rules.

This document seeks to map out how areas of the original Constitution have transitioned to the new Access to Information Procedure Rules section, together with those areas that are recommended for deletion. It should be read in conjunction with the newly proposed Access to Information Procedure Rules section, together with the working copy of the original Constitution which is colour coded as follows:

Green = transferred and embedded into the new Access to Information Procedure Rules section

Red = recommended deletion

The below table sets out those pages of the original Constitution impacted in developing the new Access to Information Procedure Rules section:

Pages	Section(s)	Explanation
144	Various	Included in new document
144 and 145	Reference to disposal of land at less than best price	Deletion of additional timescale as there is no requirement to provide seven days' notice
145 to 147	Various	Included in new document
148 to 150	Description of Exemption Information	Included in new document
148 to 150	Description of Exemption Information - Notes	Removal of the notes associated with the table. The description and qualification elements of the table are lifted from the legislation and traditionally feature in Constitutions. The notes section does not add any additional value to that of the legislative qualification.
		Removal of process whereby the appointment of Chairmen and Vice-Chairmen are undertaken according to their suitability and merit in the opinion of the Leader – not standard practice and should be elected based upon proposals received from the Council
Page 151	Various	Included in new document
Page 151	Various	Duplicated elsewhere in the Constitution

152	Various	Included in the new document
152	Reference to notice	Duplicated elsewhere in the Constitution
153 to 156	Various	Included in the new document
155 to 156	Various	Call In – reference to be included in the Overview and Scrutiny Procedure Rules Decision-making references – included elsewhere in the Constitution either in Articles or specific Procedure Rules
157 to 158	Various	Included in new document

The below table sets out recommended additions not included in the current Constitution, or recommended amendments to sections set out in the current Constitution for inclusion in the new document. These are highlighted in yellow on the new Access to Information Procedure Rules document:

Recommended Additions:

Relevant section	Addition	Reason
Paragraph 1	Inclusion of scoping section	In line with the model Constitution and clarifies which meetings the Procedure Rules apply to
Paragraph 4.1	Addition of the word 'working'	In line with legislation that five clear 'working' days' notice should be provided
Paragraph 6	Addition of the words 'that are open to public inspection'	To provide clarity that only those items open to public inspection would be made available
Paragraph 7.1(c)	Addition of the words 'agenda for the meeting'	To provide clarity that agendas would be available for inspection after the meeting
Paragraph 8.2	Inclusion of the Council's address	For clarity
Paragraph 10.3	Inclusion of the words 'by resolution of the meeting concerned'	To make it clear that a body must vote on whether or not to exclude the public from a meeting if considering exempt information
Paragraphs 12 to 13	New section regarding Access to Information rules applicable to Cabinet	Currently in different areas of the Constitution which is unclear to follow – this new section provides clarity regarding the access to information rules relating to Cabinet
Paragraph 14.1(a)	Addition of reference to contracts	Clarity that the Key Decision threshold relates to the whole-life cost of the contract

The below table sets out proposed amendments to the existing Constitution which are set out in the new Access to Information Procedure Rules document.

There are large aspects of the new Access to Information Procedure Rules document where amendments have been made. It has therefore not been practical to highlight each specific amendment. The wording in the model Constitution has been used for the respective sections, which reflect the same principles of the wording in the current Constitution.

Where specific amendments have been made which differ from the principles of the current Constitution, these are set out in the table below and highlighted in blue within the new document:

Recommended Amendments:

Relevant section	Amendment	Reason
Paragraph 7	Inclusion of the words 'at least'	The Council is only obliged to retain agendas, reports and minutes for up to six years but in practice they are retained indefinitely
Paragraph 17	Those who should be consulted under 'General Exception'	In line with the model Constitution and consistent with those who are consulted in similar circumstances