

PART 5B

ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (the Authority), its Committees and Sub-Committees, and of access to documents.

The Authority will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

Access to Meetings

1. A meeting of the Authority (including meetings of its committees and subcommittees) is open to the public, except as stated in Rules 2 and 3 below.
2. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
3. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

Access to Agendas and Connected Papers

4. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available for inspection at the principal offices of the Authority (11 Broad Street West, Sheffield, S1 2BQ), the Constituent Councils and the Non-constituent Councils between the hours of 10.00 am and 4.00 pm on Working Days.
5. A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.

6. KEY DECISIONS

A “Key Decision” means a decision of a decision maker, which in the view of the Scrutiny Committee of the Combined Authority is likely—

- (a) to result in the Combined Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the combined authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the Combined Authority;

In relation to expenditure or savings referred to in 6a), as a guide, this will ordinarily be taken to mean that a Key-Decision will result in expenditure or savings (other than a decision to be made under the Single Investment Fund processes) in excess of £0.25M

7. PROCEDURES BEFORE TAKING KEY DECISIONS

a. Notice

Where a decision maker intends to make a Key Decision that decision must not be made until a notice has been published which states:

- (i) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the combined authority;
- (ii) the matter in respect of which the decision is to be made;
- (iii) the decision maker’s name, and title if any;
- (iv) the date on which, or the period within which, the decision is to be made;
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure under Rule 3, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the decision maker; and

- (viii) the procedure for requesting details of those documents (if any) as they become available.

b. Publication of the Notice

Subject to Rule 8 (general exception) and Rule 9 (special urgency), a key decision may not be taken unless:

- (i) the notice referred to at 7(a) above has been published —
 - (a) if the Combined Authority has a website, on its website; or
 - (b) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and

made available for inspection by the public at the offices of the combined authority;

- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at [or in the presence of] a meeting of the Combined Authority or its committees, notice of the meeting has been given in accordance with Rule 4 (notices of meetings) above.

c. Treatment of confidential and exempt information

Where, in relation to any matter—

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of Rule 9a (confidential information), be disclosed to the public,

the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.

8. NOTICE OF A KEY DECISION - GENERAL EXCEPTION

- (i) Subject to Rule 9, where the publication of the intention to make a Key Decision under Rule 7 is impracticable, that decision may only be made—
 - (a) where the Monitoring Officer has informed the chair of the relevant Scrutiny Committee or, if there is no such person, each member of the

relevant Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;

- (b) where the proper officer has made available to the public at the offices of the combined authority for inspection by the public and published on the combined authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (i); and
 - (c) after 5 clear days have elapsed following the day on which the proper officer made available the copy of the notice referred to in sub-paragraph (ii).
- (ii) Where paragraph (i)(a) or (b) applies to any matter, Rule 7 need not be complied with in relation to that matter.
 - (iii) As soon as reasonably practicable after the proper officer has complied with paragraph (i), he or she must—
 - (a) make available to the public at the offices of the combined authority a notice setting out the reasons why compliance with Rule 7 is impracticable; and
 - (b) publish that notice on the combined authority's website, if it has one.

9. NOTICE OF A KEY DECISION - CASES OF SPECIAL URGENCY

- (i) Where the date by which a key decision must be made makes compliance with Rule 8 impracticable, the decision may only be made where the decision maker has obtained agreement from—
 - (a) the chair of the relevant Scrutiny Committee; or
 - (b) if there is no such person, or if the chair of the relevant Scrutiny Committee is unable to act, the chair of the combined authority; or
 - (c) where there is no chair of either the relevant Scrutiny Committee or of the combined authority, the vice-chair of the combined authority,that the making of the decision is urgent and cannot reasonably be deferred.
- (ii) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (i) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—

- (a) make available to the public at the offices of the combined authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the combined authority's website, if it has one.

10. SCRUTINY COMMITTEE MEMBERS– ADDITIONAL ACCESS TO DOCUMENTS

a. Rights to copies

Subject to 10b below, a Member of the Scrutiny Committee or sub-committee will be entitled to copies of any document which is in the possession or control of the Combined Authority or the Mayor and which contains material relating to:

- (i) any business that has been transacted at a meeting of a decision-making body of that authority; or
- (ii) any decision that has been made by the Mayor or any other individual Member of the combined authority.

Such documents are to be provided as soon as possible and in any case no later than 10 clear days after the request has been received.

b. Limits on rights

The Scrutiny Members will not be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Where the Combined Authority determines that a Member of a Scrutiny Committee is not entitled to a copy of a requested document it must provide the Scrutiny Committee with a written statement setting out their reason for that decision.

Inspection of Minutes

- 11. After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, a summary of what took place in private), together with the documents made available for public inspection under Rule 4 above, will be available for public inspection at the offices of the Authority at 11 Broad Street West, Sheffield, S1 2BQ, between the hours of 10.00 am and 4.00 pm on Working Days. This right of inspection exists for six years from the date of the meeting concerned.

Inspection of Background Papers

12. Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.
13. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer who will arrange for the production of such documents as soon as reasonably practicable after the request.

Additional Access for Members of the Authority

14. Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to Rule 10 below).
15. Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

Publication of Additional Information

16. The Authority must maintain a register stating the name of every member of the Authority and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the Authority at 11 Broad Street West, Sheffield, S1 2BQ, between the hours of 10.00 am and 4.00 pm on Working Days.
17. The Authority will maintain a list specifying the powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. The list is published on the website and also open to public inspection, but excludes delegations of less than six months' duration.

Financial Documents

18. A member of the Authority has a right to inspect its accounts.

19. Any local government elector for the district of a Constituent Council or a Non-constituent Council has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit (England) Regulations 2011 (as amended).
20. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.

Documents Deposited with the Authority

21. Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it.

Requests should be made to the Monitoring Officer.

Other Documents

22. Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
23. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request. (The Authority has not made any such Order and [at the time of this revision of this document] has no plans to do so).
24. The Local Government (Inspection of Documents)(Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in Rules 14, 15, 16, 18 and 19 above.

Fees

25. No fee will be charged for providing the facility of inspecting background papers (Rule 7 above).

26. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

Steve Davenport
Monitoring Officer
The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority 11 Broad
Street West
Sheffield S1 2BQ