

4.2 - Access to Information Rule

Rights to attend meetings, inspect documents and record proceedings.

Rights of the Public: Non-Mayoral and Mayoral General Functions

References to meetings of the Combined Authority include meetings of any ordinary or statutory committee or sub-committee appointed by the Combined Authority.

These provisions do not affect any other rights to information arising under any standing orders of the Combined Authority, or by law.

1. Public Access to a Combined Authority Meeting

- 1.1 Any meeting of the Combined Authority shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

A Confidential Information

- 1.2 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.

- 1.3 Confidential information means:

- information given to the Combined Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

B Exempt Information

- 1.4 The Combined Authority may resolve to exclude the public from a meeting during an item 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 to the public if the public were present during the item.
- 1.5 Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

Description
Paragraph 1: Information relating to any individual .
Paragraph 2: Information which is likely to reveal the identity of an individual .
Paragraph 3: Information relating to the financial or business affairs of any particular person (including the Combined Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. “Financial or business affairs” includes contemplated, as well as past or current, activities.
Paragraph 4: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Combined Authority or a Minister of the Crown and employees of, or officer-holders under the Combined Authority.
Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings .
Paragraph 6: Information which reveals that the Combined Authority proposes: <ul style="list-style-type: none"> • 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.
Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime .

1.6 (NOT USED)

1.7 Information falling within any of these descriptions may only be exempt 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.

1.8 A resolution to exclude the public from a meeting must:

- identify the proceedings, or the part of the proceedings, to which it applies,
- state the description of the exempt information giving rise to the exclusion of the public, and
- confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

C General Disturbance

1.9 Procedure Standing Order 26 in Part 4 of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

2. Public Access to Agenda and Reports of a Combined Authority Meeting

2.1 The Monitoring Officer shall make the following open to public inspection, at the offices of the Combined Authority³, in accordance with the Combined Authority's Procedure Standing Orders in Part 4 of the Constitution:

- copies of the **agenda** for a meeting of the Combined Authority, and
- copies of any **report** for the meeting open to the public.

3. Public Access to Copies at a Combined Authority Meeting

3.1 The Monitoring Officer will make available for the use of members of the public present at a meeting a reasonable number of copies of:

- the **agenda**, and
- those **reports** open to the public.

4. Public Access to Documents After a Combined Authority Meeting

4.1 The Monitoring Officer will make available for inspection copies of the following for six years after a meeting:

- the **minutes** of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
- a **written summary** of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
- the **agenda** for the meeting, and
- **reports** relating to items when the meeting was open to the public.

5. Public Access to Background Papers to a Combined Authority Meeting Report

5.1 The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:

- disclose any facts or matters on which the report or an important part of the report is based, and
- have been relied on to a material extent in preparing the report.

This requirement does not extend to:

- published works, or
- papers which disclose exempt or confidential information.

5.2 The Monitoring Officer will make available any **background documents** listed on the Combined Authority's website at the same time as the report is available for public inspection and make a **copy** of each available to the public at the offices of the Combined Authority, on payment of a reasonable fee.

- 5.3 The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.
- 5.4 The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

6. Reporting and Recording a Combined Authority Meeting

- 6.1 The Combined Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.
- 6.2 A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- 6.3 Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 6.4 Any person reporting on a meeting is expected to comply with the attached Code of Practice.
- 6.5 Meetings of the Combined Authority may be recorded and made available for public viewing on the internet. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

7. Forward Plan: Non-Mayoral and Mayoral General Functions

A Definition of a Key Decision

- 7.1 A Key Decision means a decision of a decision maker, which in the view of an overview and scrutiny committee of the Combined Authority is likely:
- (i) 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
 - (ii) 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.
- 7.2 For the purposes of (i) above, this includes any decision likely to result in the Combined Authority incurring expenditure or making savings (including the receipt or loss of income) of **£1 million or more in any financial year**.

(a) to approve or vary:

- the Hull and East Yorkshire Investment Strategy,
- the Adult Education Budget Strategy,
- the Combined Authority's budget, or

(b) to jointly approve, vary, revoke or postpone an **advanced quality partnership scheme**,

(c) to jointly make, vary or revoke an **enhanced partnership plan**,

(d) to jointly make, postpone or revoke an **enhanced partnership scheme**,

(e) to jointly approve, vary or revoke an **advanced ticketing scheme**,

(f) to jointly make, vary or terminate a **voluntary partnership agreement**

(g) to set the **Transport Levy**,

(h) to consent to regulations relating to:

- a Sub-National Transport Body,
- a levy in relation to functions other than transport, or
- borrowing, or

(i) to exercise a function relating to a **road user charging scheme**.

(j) In respect of Non-Mayoral Functions, a decision-maker is the Combined Authority or any decision-making committee or officer taking a decision under authority delegated from the Combined Authority. In respect of Mayoral General Functions, a decision maker is the Mayor, or (under arrangements made by the Mayor), the Deputy Mayor, another Combined Authority Member or an officer.

(k) All programmes and schemes require approval from the Combined Authority at least once in their lifetime. At the point where the project goes to the Combined Authority for approval, the decision should be treated as a Key Decision, where projected scheme expenditure/savings as a whole are anticipated to be £1 million or more (or the scheme is otherwise significant) – whether or not the amount which the Combined Authority is actually committing at decision point 2 is less than the £1 million threshold. The following will also constitute a Key Decision:

- At a future key decision point if an increase in costs takes it above the £1m threshold, when previously it was below that threshold.
- At a future key decision point if the project has substantively changed. That is, a substantive change in scope or the change would result in an increase or decrease in scheme costs by £1m or over.
- Further to the above, at Decision Point 4 where more than 12 months have elapsed since the previous Key Decision.
- the Mayor's budget in relation to Mayoral General Functions.

7.4 For the purposes of (i) and (ii) above, the following shall **not** be treated as a Key Decision:

- any decision which is a direct consequence of implementing a previous Key Decision,
- any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny,
- committee following a call-in of that decision,
- a Treasury Management decision in relation to the making, payment or taking out of a loan,
- a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- the urgent settlement of proceedings to which the Combined Authority is a party.
- any decision relating to the acceptance of funding

B Notice Provisions

7.5 Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:

- that a **Key Decision is to be made** in relation to the discharge of functions which are the Combined Authority's responsibility,
- the **matter** in respect of which the decision is to be made,
- the **decision maker's name and title** if any,
- the **date** on which, or the period within which, the decision is to be made,
- a **list of documents** submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
- the **address** from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
- **that other documents** relevant to those matters **may be submitted** to the decision maker, and
- the **procedure** for requesting details of those documents (if any) as they become available.

7.6 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).

7.7 Where in relation to any matter:

- 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
- documents relating to the decision need not (because of confidential information¹⁵) be disclosed to the public,

the notice must contain particulars of the matter but may not contain any confidential information or exempt information.

C General Exception

7.8 Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:

- where the Monitoring Office has **informed the Chair of any relevant overview and scrutiny committee by notice** in writing of the matter about which the decision is to be made,
- where the Monitoring Officer has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined Authority's offices, and

7.9 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).

7.10 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

D Cases of Special Urgency

7.11 Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker has obtained **agreement from the Chair of any relevant overview and scrutiny committee** that the making of the Key Decision is urgent and cannot reasonably be deferred.

- where the Monitoring Officer has **informed the Chair of any relevant overview and scrutiny committee by notice** in writing of the matter about which the decision is to be made,
- where the Monitoring Officer has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined Authority's Offices

- 7.12 The Order provides that the exercise of some Non-Mayoral and Mayoral General Concurrent Functions are subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery - see further Section 2.1 Table B (Non-Mayoral Functions) and Section 3.1.1 Table D in Part 3 of the Constitution.
- 7.13 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer has complied with 7.8, they must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made. To facilitate this, and to promote transparency, the Combined Authority will publish a notice of the request for Statutory Consent (Statutory Consent Request Notice) on the Combined Authority's **Forward Plan** at least 28 clear days before the Combined Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.

8. Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions

- 8.1 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).
- under a specific **express authorisation**, or
 - under the **Officer Delegation Scheme** where the effect of the decision is to:
 - (a) grant a **permission** or **licence**,
 - (b) affect the **rights of an individual**, or
 - (c) award a **contract** or **incur expenditure** which, in either case, **materially affects the Combined Authority's financial position**.
- 8.2 For the purposes of (c) above, any award of a contract or expenditure of **£1 million or over** will be deemed to materially affect the Combined Authority's financial position.
- 8.3 An Officer must also record and publish any **Key Decision** they make, whether or not it is outside the criteria set out above
- where the Monitoring Officer has **informed the Chair of any relevant overview and scrutiny committee by notice** in writing of the matter about which the decision is to be made,
 - where the Monitoring Officer has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined record and publish,
 - after **five clear days** have elapsed following the day on which the Monitoring Officer made the copy of the notice available.

- 8.4 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer has complied with 7.8, they must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.
- 8.5 As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.4, the Monitoring Officer shall make any written record and any background papers available for inspection by the public:
- at all reasonable hours, at the offices of the Combined Authority,
 - by such other means that the Combined Authority considers appropriate.
- 8.6 On request the Monitoring Officer will provide:
- a copy of the written record, and
 - a copy of any background papers.
- 8.7 The Combined Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.

9. Public Access to Written Records of Decisions Made by the Mayor (Mayoral General Functions)

- 9.1 Where a decision has been taken outside of a Combined Authority meeting:
- any **Key Decision** taken by the Mayor or a Combined Authority Member acting on the Mayor's behalf will be recorded and published on the Combined Authority's website, together with a copy of the written report considered in respect of the decision, and
 - any decision taken by an Officer will be recorded as a **written record** of their decision in accordance with the Access to Information Rule 8 above

Press Access to a Combined Authority Meeting

- 1.1 The Monitoring Officer shall supply on request for any newspaper:
- a copy of the **agenda** and those **reports** open to the public,
 - any **further statements** necessary to indicate the nature of the items on the agenda, and
 - if the Monitoring Officer thinks fit, copies of **any other documents supplied to** Combined Authority Members in connection with the item.
- 1.2 Procedure Standing Order 25 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

- 1.3. The Freedom of Information Act 2000 ('FOIA') and Environmental Information Regulations 2004 ('EIR') apply to the Combined Authority, which therefore publishes information under a Publication Scheme²⁵. The Scheme specifies:
- the **classes of information** which the Combined Authority publishes or intends to publish,
 - **how** information in each class is, or is intended to be, published, and whether the material is, or is intended to be, available to the public **free of charge** or on **payment**.
- 1.4. The public also has a general right of access to information held by the Combined Authority, but this is subject to exemptions²⁶.
- 1.5. A request for information must be submitted to and dealt with by the Monitoring Officer
- 1.6. A request for information under the FOIA must:
- be in writing
 - state the name of the applicant
 - state an address for correspondence, and
 - describe the information requested.
- 1.7. A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.
- 1.8. The Combined Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:
- spending and expenditure including grants,
 - procurement information including contracts,
 - organisation chart detailing senior management personnel, and
 - land and assets.
- 1.9. As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.4 b, the Monitoring Officer shall make any written record and any background papers available for inspection by the public:
- 1. General**
- 1.1. Any Member of the Combined Authority is entitled to inspect any document which:
- is in the possession of or under the control of the Combined Authority, and
- 1.3. Unless it appears to the Monitoring Officer that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1B above), **other than** the following (which will be open for inspection by members):

(a) Information relating to the financial or business affairs of any particular person including the Combined Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Combined Authority in the course of negotiations for a contract), or

(b) Information which reveals that the Combined 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.

1.4. These rights are in addition to any other rights the Member may have (such as those arising from a member's need to know at common law).

1.5 The accounts of the Combined Authority shall be open to the inspection of any Member and any such Member may make a copy of or extract from the accounts.

2. Additional Rights of Access to Documents for Members of Any Overview and Scrutiny Committee or Sub-Committee

2.1 Any document must be provided as soon as reasonably practicable and, in any case, no later than 10 clear days after the Monitoring Officer receives the request.

- if the Monitoring Officer thinks fit, copies of **any other documents supplied to** Combined Authority Members in connection with the item., unless that information is relevant to:
- an action or decision that the member is reviewing or scrutinising, or
- any review contained in any programme of work of the committee or sub-committee.

2.2 Where the Monitoring Officer determines that a Member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

List of Members

1.1 The Monitoring Officer will publish a list stating the name and address of all current Members of the Combined Authority and the Constituent Council they represent.

1.2 A member of the public may inspect the list.

1.3 The Mayor must publish the following specified information:

Information	Timing of publication
The Mayor's name	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
The Mayor's correspondence address	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
The Mayor's salary	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
Any allowances paid to the Mayor in respect of expenses	Quarterly, as soon as practicable after the end of the quarter to which it relates.
A register of the Mayor's interests , including paid employment or officer or other pecuniary interests	As soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the Mayor.
The number of complaints or conduct matters brought to the Mayor's attention by the Police and Crime Panel	As soon as practicable after the end of the financial year to which it relates.
The number of members of staff	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
The proportion of the staff who: <ul style="list-style-type: none"> • are women, • are, to the knowledge of the Combined Authority, members of an ethnic minority, • have, to the knowledge of the Combined Authority, a disability 	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
An organisational chart showing the structure of the staff	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
The job title, responsibilities, and salary of each senior employee and the name of the senior employee	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
A register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused	As soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the Mayor.

Information	Timing of publication
The total budget	Before the beginning of the financial year to which it relates.
Information as to proposed expenditure	Before the beginning of the financial year to which it relates.
A copy of the annual investment strategy	Before the beginning of the financial year to which it relates.
Information as to each item of expenditure of the Mayor exceeding £500 including the recipient of the funds, the purpose of the expenditure and the reasons why the Mayor considered that good value for money would be obtained	Each month, as soon as practicable after the end of the month to which it relates.
Information as to each item of expenditure of the Mayor in relation to travel by, accommodation for, or the subsistence of, a relevant office holder, including the recipient of the funds, the purpose of the expenditure and the reasons why the Mayor considered that good value for money would be obtained	Quarterly, as soon as practicable after the end of the quarter to which it relates.
The identity of any premises or land owned by the Combined Authority occupied for the purpose of, the Mayor	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
A87 copy of each contract with a value exceeding £5,000 to which the Mayor is or is to be a party	As soon as practicable after it becomes available to the Mayor.
A copy of each invitation to tender issued by the Mayor in relation to a contract which the Mayor expects will have a value exceeding £5,000	As soon as practicable after it becomes available to the Mayor.
The date, time, and place of each public meeting to be held by the Mayor	As soon as practicable after it becomes available to the Mayor.
A copy of the agenda for each public meeting held by the Mayor, and any report or other document that is the subject matter of an item on the agenda	
A copy of the minutes of meeting held by the Mayor	

Information	Timing of publication
A statement of the policy of the Mayor in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
A statement of the policy of the Mayor in relation to records management , including procedures for the security and sharing of information and the retention and destruction of documents	
A statement of the policy of the Mayor in relation to the handling of qualifying disclosures	