

## **ACCESS TO INFORMATION RULES**

### **1. SCOPE**

These rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents to be open and accountable. They apply to all meetings of the Council, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.

The public now has the right to report on any meeting, which is not held in private, by means of any medium available to them, and to share the results of such reporting by any communication method at their disposal (The Openness of Local Government Bodies Regulations 2014).

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in the Council's Constitution or the law, nor do these Rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

### **3. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. NOTICES OF MEETING**

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, and on the Council's website, with the exception of any Licensing Sub-Committee meeting called in accordance with Statutory Instrument 2502 of the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

Where exceptionally this period of notice cannot be given, the Council will ensure that legal requirements on specifying the special urgent circumstances that apply in particular cases will be met.

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

The Council will make copies of the agenda and reports open to the public available on its website and at the Council Offices, five clear working days before the meeting except:

- a) those which contain exempt or confidential information, the meaning of which is explained later in these rules, or
- b) those in relation to Licensing Sub-committees where a meeting is called in accordance with: -
  - i) section 105(2)(a) (counter notice following police objection to temporary event notice) of the Licensing Act 2003; or
  - ii) SI 2502 - Summary Review of Premises Licences.

If an item is added to the agenda later, the revised agenda will be open to inspection and on the website from the time the item was added to the agenda. Where reports are prepared after the summons to the meeting has been sent out, the Chief Executive will make a copy of the report available to the public as soon as it is completed and sent to councillors.

## **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (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 to any person on request, either electronically, or on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES AND OTHER INFORMATION AFTER THE MEETING**

7.1 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (unless the Proper Officer deems that the exemption no longer applies);
- (b) 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;
- (c) the agendas for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **List of background papers**

- 8.1 If there are any background papers relating to the subject matter of a report, these will be listed at the end of that report.
- 8.2 Background papers are those documents which, in the opinion of the Proper Officer:
  - 8.3 (a) disclose any facts or matters on which the report, or an important part of the report is based; and
  - 8.4 (b) 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 (as defined in Rule 10 below).

### **Public inspection of background papers**

- 8.5 The Council will make available for public inspection at its offices and on its website for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

- 9.1 A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at, and be available to the public, at the Council's main Offices.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **Confidential Information – requirement to exclude the public**

- 10.1 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.

### **Meaning of Confidential Information**

- 10.2 Confidential information means information given to the Council by a Government department, service or agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

### **Exempt Information – discretion to exclude public**

- 10.3 The public may 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 exempt information would be disclosed.
- 10.4 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

### **Confidential Information and Exempt Information**

- 10.5 Nothing in these Procedure Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- 10.6 Nothing in these Procedure Rules:
- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Group Head of Corporate Governance, that document or part of a document contains or may contain confidential information; or
  - (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Proper Officer, that document or part of a document contains or is likely to contain exempt information.

## Meaning of Exempt Information

10.7 Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be registered under <ol style="list-style-type: none"><li>1. Section 2 of the Companies Act 2006</li><li>2. the Friendly Societies Act 1974</li><li>3. the Friendly Societies Act 1992</li><li>4. the Co-operative and Community Benefit Societies Act 2014</li><li>5. the Building Societies Act 1986</li><li>6. the Charities Act 2011</li></ol>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes, <ol style="list-style-type: none"><li>1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li><li>2. to make an order or direction of any enactment.</li></ol>	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

- 10.8 As set out in Schedule 12A of the Local Government Act 1972 (as amended): "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."
- 10.9 The relevant Committee will periodically review those exempt items it has considered at meetings, as to whether the public interest in maintaining the exemption remains or whether the report can now be made public.
- 10.10 Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992. exclusion of access by the public to reports
- 10.11 The Proper Officer of the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked '**Exempt**' on the agenda of that meeting, together with the category of information likely to be disclosed.

## **11. THE FORWARD PLAN**

### **Contents of Forward Plan**

- 11.1 The Council's Forward Plan will be prepared and published monthly. Proposed key and non-key decisions by Committees and Sub-Committees with decision-making powers will be included, with at least 28 clear days' notice being given, where possible.
- 11.2 The Forward Plan will contain matters which the Head of Paid Service believes will be subject of a decision to be taken by the Council, a Committee/Sub-Committee, or under joint arrangements during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- (a) the matter in respect of which a decision is to be made;
  - (b) the decision maker;
  - (c) the date on which the decision is likely to be taken;
  - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (e) a list of the documents submitted to the decision taker for consideration in relation to the matter;
  - (f) If the decision to be taken is considered a Key Decision as defined in Article 11 of this Constitution;
  - (g) if the consideration of any item will involve the disclosure of exempt or confidential information.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

## **12. RECORD OF DECISIONS**

- 12.1 After any meeting of the Council, a Committee or Sub-Committee, whether held in public or private, the Proper Officer, will produce a record of every

decision taken at that meeting as soon as practicable and make it available to all members.

- 12.2 The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. It will also include a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body, and where a conflict of interest was declared, a note of any dispensation granted in respect of it.

### **13. ADDITIONAL RIGHTS OF ACCESS TO INFORMATION FOR COUNCILLORS**

- 13.1 All councillors will be entitled to inspect any document (except those available only in draft form) in pursuance of that councillor's official duties. These rights are additional to any other rights he/she may have.
- 13.2 In availing themselves of these rights councillors must abide by the standards set out in Paragraph 4 of the Code of Conduct in Part 5 of the Constitution.