

ACCESS TO INFORMATION RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Standards Committee, Audit Committee, Planning and Licensing Committees and any other Committees appointed by the Council and public meetings of the Executive. (together called meetings).

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.

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 five clear days notice of any meeting by posting details of the meeting at the Council Offices.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public (i.e. those which do not contain exempt or confidential information the meaning of which is explained later in these rules) available for inspection at the Council Offices, five clear days before the meeting. 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 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 payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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, together with reasons, for all meeting of the Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (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 agenda 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 The Chief Executive or Strategic Director in whose name any report is prepared will set out in the report a list of those documents, called background papers, relating to the subject matter of the report which in his opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (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.

Public inspection of background papers

8.2 The Council will make available for public inspection 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 public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council Offices.

10. EXCLUSION OF PUBLIC ACCESS TO MEETINGS

Confidential Information – Requirement To Exclude 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 on terms, which forbid its public disclosure, or information which cannot be publicly disclosed by 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.

Meaning of Exempt Information

10.5 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"> 1. the Companies Act 1985 2. the Friendly Societies Act 1974 3. the Friendly Societies Act 1992 4. the Industrial and Provident Societies Acts 1965 to 1978 5. the Building Societies Act 1986 6. the Charities Act 1993.
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"> 1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or 2. to make an order or direction of any enactment. 	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

Items 7A-C refer to local determinations by Standards Committees.

7A. Information which is subject to any obligation of confidentiality

7B. Information which relates in any way to matters concerning national security

7C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

10.6 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.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 The proper officer of the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public. Such reports will be marked '**Not For Publication**' together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

12.1 Rules 13 – 22 apply to the Executive. If the Executive meet to take a key decision then it must also comply with rules 1 –11 unless Rule 15 (general exception) or Rule 16 (urgent action) applies. A key decision is defined in Article 13.3 of the Council's Constitution.

12.2 If the Executive meet to discuss a key decision, with an officer present, within 28 days of the date on which the key decision is to be taken then it must also comply with Rules 1 – 11 unless Rules 15 or 16 apply. This requirement does not include meetings whose sole purpose is for officers to brief members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (urgent action) a key decision may not be taken unless:

- (a) notice of the intention to make a decision has been published in the forward plan;
- (b) At least 3 clear days have elapsed since the publication of the forward plan, and
- (c) notice of the meeting at which the decision will be taken has been given in accordance with Rule 4 (Notice of Meetings).

14. THE FORWARD PLAN

Period of Forward Plan

- 14.1 The Forward Plan will be prepared by the Leader of the Council to cover a period of four months, beginning with the first day of any month. It will be updated on a monthly basis.

Contents of Forward Plan

- 14.2 The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Executive in the course of the discharge of an executive function 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) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and details of membership;
 - (c) the date on which, or the period within which, the decision will be taken;
 - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (e) the means by which any such consultation is proposed to be undertaken;
 - (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
 - (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- 14.3 The forward plan must be published at least 14 days before the start of the period covered in the plan. The proper officer will publish once a year a notice in at least one local newspaper stating:
- (a) that key decisions are to be taken on behalf of the Council;
 - (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - (c) that the plan will contain details of the key decisions to be made for the four months period following its publication;
 - (d) that each plan will be available for inspection at reasonable hours free of charge at the Council Offices;
 - (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
 - (g) that other documents may be submitted to decision takers;

- (h) the procedure for requesting details of documents, if any, as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council Offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

- 15.1 If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 below the decision may still be taken if:
- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
 - (b) the proper officer has informed the Chairman of the relevant Overview and Scrutiny Committee, or if there is no such person, each member of that committee by a notice in writing, by notice, of the matter on which the decision is to be made;
 - (c) the proper officer has made copies of that notice available to the public at the Council Offices; and
 - (d) at least 3 clear days have elapsed since the proper officer complied with (a) and (b) above.

Where such a decision is taken collectively, it must be taken in public.

16. URGENT ACTION

- 16.1 If by virtue of the date by which a decision must be taken Rule 15 above cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the Chairman of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a relevant Overview and Scrutiny Committee, or if the chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor or in his absence the Deputy Mayor will suffice.

17. REPORT TO COUNCIL

When an Overview and Scrutiny Committee can require a report

- 17.1 If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:
- (a) included in the forward plan; or
 - (b) the subject of the general exception procedure; or
 - (c) the subject of an agreement with the relevant Overview and Scrutiny Chairman;

The committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rest with the committee, but is also delegated to the proper officer who shall require such a report on behalf of the committee when so

requested by the Chairman or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

Executive's report to council

- 17.2 The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

Quarterly Reports on Urgent Action Decisions

- 17.3 In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (urgent action) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

- 18.1 After any meeting of the Executive, whether held in public or private the proper officer or where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

- 19.1 Only members of the Executive will receive notice of a private meeting of the Executive. Members of the Council who are not members of the Executive are not entitled to attend such meetings unless invited to do so by the Executive.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE REPORTS INTENDED TO BE TAKEN INTO ACCOUNT

- 20.1 Where an individual member of the Executive receives a report, which he/she intends to take into account in making any decision, then he/she will not make the decision until at least 3 clear days after receipt of that report.

Provision of copies of reports to Overview and Scrutiny Committees

- 20.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

Record of individual decision

- 20.3 As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of rules 7 and 8

above (inspection of documents after meetings) will apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information.

21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

Rights to copies

21.1 Subject to rule 21.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- (a) any business transacted at a public meeting of the Executive; or
- (b) any decision taken by an individual member of the Executive.

Limits on rights

21.2 An Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) 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.

22. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

Material relating to previous business

22.1 All members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a private meeting unless it contains exempt information falling within Paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information.

Material relating to key decisions

22.2 All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive, which relates to any key decision unless it falls within the category of exempt information in Rule 22.1 above.

Nature of rights

22.3 These rights of a member are additional to any other right he/she may have.

PRESENTATION OF PETITIONS TO THE COUNCIL

Please see Standing Orders for Council for procedures for presenting petitions to Council.