

## **PART 4.2 - ACCESS TO INFORMATION PROCEDURE RULES (APR)**

### **APR1 SCOPE**

Save as mentioned below, these rules apply to all meetings of the Council, area committees and meetings of any committee or sub committee appointed by the Council. The rules set out in this Section shall not apply to meetings of the Licensing Committee or sub-committees which shall be governed by Regulations made under Section 9 of the Licensing Act 2003 and any future rules determined by the Licensing Committee under that Section.

### **APR2 ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law.

### **APR3 RIGHTS TO ATTEND MEETINGS**

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

### **APR4 NOTICES OF MEETING**

- (1) The proper officer will give at least five clear working days' notice of any meeting, with the exception of Full Council where the summons will be issued six clear working day in advance, by posting details of the meeting on the Council's website.

**Notice required - 5 clear working days  
Full Council – 6 clear working days**

- (2) Where it is necessary to hold a meeting in private and exclude the press and public in order to consider exempt or confidential information, notice of the intention to hold such a meeting will be published in the Forward Plan and the provisions of APR5 (access to agenda and reports before the meeting) will apply.

### **APR5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING (see also APR 9)**

- (1) The proper officer will make copies of the agenda and reports open to the public available for inspection on the Council's website not less than five clear working days before the meeting. If an item is added to the agenda later, the revised agenda

(where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection at the time the item was added to the agenda.

- (2) A summons to attend Council meetings will be emailed to members at least 6 clear working days before the meeting.
- (3) In respect of a meeting of a Policy Committee, or a Sub-committee of a Policy Committee the proper officer will:
  - (i) At least 28 clear days before a private meeting (e.g. where one or more of the reports on the agenda includes “exempt information”) a notice of the intention to hold part or all of the meeting in private must be included in the Forward Plan published on the website by the Proper Officer and be available for inspection. The notice must state the intention that the meeting is to be held in private.
  - (ii) At least 5 clear days before a private meeting a further notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the website by the Proper Officer and be available for inspection. The notice must:
    - (a) state the reasons for the meeting to be held in private;
    - (b) provide details of any representations received about why the meeting should be open to the public; and
    - (c) include a statement of the Council’s response to any such representations.
  - (iii) Where the date by which a private meeting must be held makes compliance with (i) and (ii) above impracticable, the meeting may only be held in private where agreement has been obtained by the relevant Director from the Chair and Vice-chair of the relevant policy committee, the Monitoring Officer and the Section 151 Officer that the meeting is urgent and cannot reasonably be deferred. As soon as reasonably practicable after such agreement has been obtained, a further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

## **APR6 SUPPLY OF COPIES**

The Council will supply copies of:

- (i) any agenda and reports which are open to public inspection;

- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the proper officer 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.

## **APR7**

### **ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) 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;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

**Time limit - 6 years**

## **APR8**

### **BACKGROUND PAPERS**

#### **APR8.1**

##### **List of background papers**

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) 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 APR 10).

#### **APR8.2**

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

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.

**Time limit - 4 years**

## **APR9**

### **SUMMARY OF THE RIGHTS OF THE PUBLIC**

A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at and available to the public on the Council's website.

## **APR10**

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

#### **APR10.1**

##### **Confidential information – requirement to exclude public**

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.

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.

#### **APR10.2**

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

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.

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 appropriate and lawful.

Exempt information is information falling within one of the categories set out in APR 10.3. However, information which would otherwise be exempt will not be exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 Town and Country Planning General Regulations 1992.

#### **APR10.3**

##### **Meaning of exempt information**

"Exempt information" means information for the time being defined in the Local Authorities (Access to Information) (Variation) Order 2006 which amends Part 1 Schedule 12A of the Local Government Act 1972. The categories of exempt information and relevant qualifications are:

	<b>Category</b>	<b>Qualifications</b>
1	Information relating to any individual.	
2	Information which is likely to reveal the identity of an individual.	

3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within this paragraph is not exempt information by virtue of this paragraph if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Act (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour matters relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5	Information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes: (a) to give any enactment under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
8		Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
Information which falls within any of sections 1 to 7 above; and is not prevented from being exempt by virtue of the qualification in section 8 or the qualification to section 3 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.

## **APR11**

### **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with APR 10 (exclusions of press and public to meetings), 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.

## **APR12**

### **APPLICATION OF RULES TO POLICY COMMITTEES**

- (1) Rules APR 13 – 18 apply to meetings of Policy committees. If a Policy Committee meets to take a key decision then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. A key decision is as defined in Article 14.03 of this constitution.
- (2) If a Policy Committee meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. A key decision is as defined in Article 14.03 of this constitution.
- (3) This requirement does not include meetings, whose sole purpose is for officers to brief Councillors.

## **APR13**

### **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to APR5 (access to agendas and reports before a meeting) and APR15 (general exception) and APR16 (special urgency), a key decision may **not** be taken unless:

- (i) a notice (called here a forward plan) has been published in connection with the matter in question;
- (ii) at least 28 calendar days have elapsed since the publication of the forward plan; and
- (iii) where the decision is to be taken at a meeting of a Policy Committee, notice of the meeting has been given in accordance with APR 4 (notice of meetings).

## **APR14**

### **THE FORWARD PLAN**

Forward plans will be prepared in respect of each of the Policy Committees and published by the Proper Officer on a monthly basis.

#### **APR14.1**

##### **Contents of forward plan**

- (1) The forward plan will contain matters which the Proper Officer, in consultation with the Chair and Vice Chair of the relevant Policy Committee, has reason to believe will be subject of a key decision to be taken by a Policy Committee. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
  - (i) the matter in respect of which a decision is to be made;
  - (ii) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
  - (iii) the date on which, or the period within which, the decision will be taken;
  - (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (v) the means by which any such consultation is proposed to be undertaken;
  - (vi) the steps any person might take who wishes to make representations to the 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
  - (vii) background papers relating to the subject matter of the report. The forward plan must be published at least twenty-eight days before the start of the period covered.

**Notice required - 28 days**

- (2) Exempt information need not be included in a forward plan and confidential information cannot be included.

#### **APR15**

##### **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to APR 16 (special urgency), the decision may still be taken if:

- (i) 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;
- (ii) the proper officer has given notice to the Leader of the Council in writing, of the matter to which the decision is to be made;
- (iii) the proper officer has made copies of that notice available to the public at the offices of the council; and
- (iv) at least five clear working days have elapsed since the proper officer complied with (i) and (ii).

**Notice required - 5 clear working days**

## **APR16 SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken APR 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains:

- (i) the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer that the taking of the decision cannot be reasonably deferred.

## **APR17 REPORTS TO FULL COUNCIL**

### **APR17.1 Quarterly reports on special urgency decisions**

The Proper Officer will submit quarterly reports to the Full Council on the Policy Committee decisions taken in the circumstances set out in APR16 (special urgency) 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.

## **APR18.1 OFFICER DECISION NOTICES**

Officer decisions as identified in (i) and (ii) below, will be published as soon as reasonably practical and will be made available for inspection on the Council's website. The record will include a statement of the reasons for each decision and any alternative options considered;

- (i) All officer decisions involving a resource commitment of between £100k and £500k shall be taken in consultation with the Chair of the relevant Policy Committee.



The officer decision notice published by the Officer taking the decision shall also include reference to the name of the Chair of the relevant Policy Committee to signify their agreement with the decision made.

- (ii) Officer decisions that raise issues of public importance having regard to the general principles applying to the exercise of delegated powers set out in Part 3 of the constitution.

The Chair or a relevant Policy Committee reserves the right, in consultation with the Vice-chair of a relevant Policy Committee and the Monitoring Officer and Section 151 Officer to refer a matter that would otherwise be the subject of an officer decision to the next available meeting of the relevant Policy Committee for decision.