

# **Access to Information Procedure Rules**

## **Part A – General**

### **1. Scope**

1.1 These rules apply to all meetings of the Council, Executive, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

### **2. Additional Rights to Information**

2.1 These rules do not affect and are additional to any rights to information contained elsewhere in the Constitution or the law.

### **3. Rights to Attend Meetings**

3.1 Members of the public and media are welcome and encouraged to attend all meetings, subject only to the exceptions in this Constitution.

3.2 The rights at 3.1 are without prejudice to the Council's power to suppress or prevent disorderly conduct or other misbehaviour at any meeting.

3.3 Third-party recording (including filming, audio recording and photography) is permitted of the public sessions of formal decision-making Council meetings subject to any reasonable protocols that may be in place.

### **4. Notices of Meeting**

4.1 The Council will give at least 5 clear working days' notice of any meeting by posting details of the meeting at the Council offices and on the Council's website.

### **5. Access to Agenda and Reports Before the Meeting**

5.1 The Council will make copies of the agenda and reports open to the public and available for inspection at the Council offices and on the Council's website, at least 5 clear working days before the meeting (unless it is not available until a later time).

5.2 Where there are special circumstances requiring an item to be added to the agenda after publication, the revised agenda will be open to inspection from the time the item was added to the agenda.

5.3 Where reports are prepared after the summons to the meeting has been sent out, the Chief Executive shall make each report available to the public as soon as the report is completed and sent to Councillors.

5.4 Upon receipt of a reasonable request, the Council shall make copies of agendas and reports available to the public in alternative formats.

## **6. Supply of Copies**

6.1 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 Monitoring 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 reasonable costs.

6.2 The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (except during any part of the meeting to which the public are excluded).

## **7. Access to Minutes and Other Information After the Meeting**

7.1. The Council will make available copies of the following for at least 6 years after a meeting:

- a) the minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Council, Executive, Committee and sub-committee meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public in the event that exempt or confidential information would be disclosed;

- b) a summary of the proceedings (which would not reveal exempt or confidential information) 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;
- d) reports relating to items when the meeting was open to the public.

## **8. Background Papers**

### **List of Background Papers**

8.1 The report author named at the head of every report will set out at the end of every report a list of those documents (under the heading Background Papers) relating to the subject matter of the report which in his/her 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 below.

### **Public Inspection of Background Papers**

8.2 Every Head of Function or Director will make arrangements to ensure that documents referred to in any report written by them or by a member of their staff are available for inspection for 4 years after the date of the meeting concerned. One copy of each of the background documents listed will be retained for this purpose. Background papers will also be available for inspection on the Council's website.

## **9. Summary of the Public's Rights of Access**

9.1. These Rules, as part of the Council's Constitution, will be regarded as the written summary of the public's rights to attend meetings and to inspect and copy documents. These Rules, together with the whole Constitution, are available for inspection at the Council offices and on the Council's website.

## **10. Meetings – Public Exclusion**

### **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, service or agency on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order or under any enactment.

### **Exempt Information – Discretion to Exclude the 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. Such a decision to exclude the public is to be made by resolution of the relevant decision-making body.

10.4 Where the meeting will determine any person's civil rights or obligations or adversely affect their possessions, Article 6 of the European Convention of Human Rights (incorporated into domestic law by 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.

### **Meaning of Exempt Information**

10.5. Exempt information means information falling within any of the categories (subject to any qualification) defined in Appendix 1 to these Procedure Rules.

## **11. Reports – Exclusion of Public Access**

11.1 If the Monitoring 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 Rule 10 above, 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.

## **Part B – Executive Decision-Making**

### **12. Additional Rules to be Applied to the Executive**

12.1 Rules 12-21 apply to meetings of the Executive and its Committees. If the Executive or an Executive Committee meets to take a Key Decision, then it must still comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies.

12.2 If the Executive or an Executive Committee meet to discuss a Key Decision to be taken collectively with one or more Officers present within 28 clear days of public notice being given of the decision to be taken, then it must still comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies.

12.3 The requirement at 12.2 does not apply to meetings whose sole purpose is for Council Officers to brief the decision-maker or members of a decision-making body on matters connected with the making of an Executive Decision.

### **13. Procedure Before Taking Key Decisions**

A Key Decision is as defined in the Executive Procedures Rules of this Constitution.

#### **Notice of Key Decision**

13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- a) a notice ('Notice of Key Decision') has been published in connection with the matter in question;
- b) at least 28 clear days have elapsed since the publication of the Notice of Key Decision (which may include Saturdays, Sundays and public holidays) and the date of the meeting at which the Key Decision is to be made; and
- c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Procedure Rule 4 (notice of meetings).

#### **Contents of Notice of Key Decision**

13.2 The Notice of Key Decision will state that a Key Decision is to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, Area Committees or under joint arrangements in the course of the discharge of an executive function. It will describe the following particulars:

- a) the matter in respect of which a decision is to be made;
- b) where the decision-maker is an individual, his/her name and title, if any, and where the decision-maker is a body, its name and details of its membership;
- c) the date on which, or period during which, the decision is to be taken;
- d) a list of documents submitted to the decision-maker for consideration in relation to the matter and details of how to inspect copies of these documents;
- e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available;
- f) a note that other documents relevant to the decision may be submitted to the decision-maker; and,
- g) the procedure for requesting details of those documents (of any) as they become available; and
- h) where the decision is to be taken at a meeting of the Executive or its Committees, a note that notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

### **Publication of the Notice of Key Decision**

13.3. The Notice of Key Decision will be made available for inspections by the public at the Council Offices and on the website.

## **14. The Forward Plan**

14.1 The Council is required to give a minimum of 28 clear days' notice of Key Decisions to be taken by the Executive, Executive Members or Officers. However, the Leader may prepare a Forward Plan which sets out the details of the various decisions that the Executive is likely to take over a subsequent period of 4 months, insofar as they are known at the time of publication. Other significant decisions to be taken by Full Council may be included for information.

14.2 The Forward Plan may incorporate the Notices of Key Decision and Notices of Intention to Hold Executive Meetings in Private referred to in Procedure Rule 21.

14.3 Where a Forward Plan is produced it will be published on the Council's website and a copy will be made available for inspection at the Council offices at least 28 clear days before each meeting of the Executive.

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

## 15. General Exception

15.1. If a Notice of Key Decision has not been published in accordance with Procedure Rule 13, then subject to Procedure Rule 16 (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- b) the Monitoring Officer has informed the Chair (or in his/her absence the Vice-chair) of the Scrutiny Committee, or if there is no such person immediately available, each member of that Committee in writing, by notice, of the matter on which the decision is to be made;
- c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- d) at least 5 clear working days have elapsed since the Monitoring Officer complied with (b) and (c).

15.2. As soon as reasonably practicable after the Monitoring Officer has complied with Procedure Rule 15.1, he must make available at the Council offices and publish on the Council's website the reasons why compliance with Procedure Rule 13 is impracticable.

## 16. Special Urgency

16.1 If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the Leader or Chair of an Executive Committee or decision-maker (if an individual) obtains the agreement of

the Chair of the Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred.

16.2 If there is no chair of the Scrutiny Committee or if the chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Chair of the Council or in his/her absence, the Vice-chair of the Council will suffice.

16.3 As soon as reasonably practicable after the decision-maker has obtained agreement under Rules 16.1 or 16.2, he or she shall make available to the public at the Council Offices and on the Council's website, a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

## **17. Reports to Council**

### **When Scrutiny Committee Can Require a Report**

17.1 If the Scrutiny Committee thinks that a Key Decision has been taken which was not:

- a) the subject of a Notice of Key Decision; or
- b) the subject of the general exception procedure under Procedure Rule 15; or
- c) the subject of an agreement with the chairman of the Scrutiny Committee or the Chair of the Council/Vice-chair of the Council under Procedure Rule 16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The report must include details of the decision and the reasons for the decision, the decision-maker, and the reasons, if any, for the Leader/Executive believing that the decision was not a Key Decision. The power to require a report rests with the Scrutiny Committee, who shall require the Head of Performance and Governance to issue such a report on behalf of that Committee when so requested by the Chair or any 5 Councillors. Alternatively, the requirement may be raised by resolution passed at a meeting of the Scrutiny Committee.

### **Executive's Report to Council**

17.2 The Executive will submit a report required under paragraph 17.1 to the next available Council meeting. 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 following meeting. The report to the 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.

### **Annual Reports on Special Urgency Decisions**

17.3 In any event, the Leader will submit annual reports to the Council on the Executive Decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding year. The report will include the number of decisions so taken and a summary of matters in respect of which those decisions were taken.

## **18. Meetings of the Executive to Be Held in Public**

Meetings of the Executive and its Committees will be held in public, unless it is likely that exempt or confidential information would be disclosed, or whenever a lawful power is used to exclude a Councillor or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed.

## **19. Notice of Executive Meetings**

Members of the Executive or its Committees will be entitled to receive 5 clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## **20. Officer Attendance at Executive Meetings**

The Chief Executive as Head of Paid Service, Monitoring Officer, Section 151 Officer, Heads of Function, Director and their nominees are entitled to attend any meeting of the Executive.

## **21. Notice of Intention to Hold Executive Meetings in Private**

21.1 Subject to this Procedure Rule, where the Monitoring Officer agrees that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item, either:

- a) confidential information, as defined in Procedure Rule 10.2, would be disclosed to them in breach of the obligation of confidence; or
- b) exempt information, as defined in Procedure Rule 10.5, would be disclosed to them,

the meeting shall be held in private, following the exclusion of the public.

21.2 At least 28 clear days before a private meeting (which may include Saturdays, Sundays and public holidays), the decision-making body shall:

- a) make available at the Council offices, a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); such notice to include a statement of reasons for the meeting to be held in private, and
- b) publish that notice on the Council's website.

21.3 At least 5 clear days before a private meeting, the decision-making body shall:

- a) make available at the Council offices, a further notice of its intention to hold the meeting in private; and
- b) publish that notice on the Council's website.

This notice will be included in the agenda for the meeting.

21.4 A notice under Procedure Rule 21.3 shall include:-

- a) a statement of the reasons for the meeting to be held in private;
- b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- c) a statement of its response to any such representations.

21.5 Where the date by which a meeting must be held makes compliance with this Procedure Rule impracticable, the meeting may only be held in private where:-

- a) the Chair of the Scrutiny Committee; or
- b) if there is no such person available, or if the Chair of the Scrutiny Committee is unable to act, the Chair of the Council; or
- c) where there is no Chair of the Scrutiny Committee available and in the absence of the Chair of the Council, the Deputy Chair of the Council,

has agreed that the meeting is urgent and cannot reasonably be deferred.

21.6 As soon as reasonably practicable after agreement to hold a private meeting has been obtained under Procedure Rule 21.5, the decision-making body shall:

- a) make available at the Council offices, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- b) publish that notice on the Council's website.

## **22. Taking Executive Decisions by Individuals**

### **A. Decisions by the Leader or Individual Lead Councillors**

#### **22.1 Reports Intended to be Taken into Account**

Where the Leader or an individual Lead Councillor receives a report which he or she intends to take into account in making any Executive Decision under the scheme of delegation to Lead Councillors, then he or she will not make the decision until at least 5 clear working days after receipt of that report.

#### **22.2 Provision of Copies of Reports to All Councillors**

On giving such a report to the Leader or an individual Lead Councillor, the Head of Performance and Governance will give a copy of it to all Councillors as soon as reasonably practicable and make it publicly available at the same time. Before the Leader or Lead Councillor takes an Executive Decision, he or she will take into account any written representations submitted by other Councillors or from the public.

### **B. Decisions by Officers**

22.3 Officers contemplating a decision in connection with an Executive Function shall have careful regard to the following principles in deciding how this should be taken:

- A) whether the proposed decision is closely (as opposed to remotely) connected with the discharge of a function which is, as a matter of law, the responsibility of the Authority's Executive;
- B) whether the proposed Executive Decision is merely administrative in nature with only a remote connection with an Executive Function;
- C) whether a proposed Executive Decision is so minor or routine in nature or is otherwise one which would reasonably be considered to be of no interest to a reasonable member of the public;
- D) whether the proposed Executive Decision is sufficiently important and/or sensitive so that a reasonable member of the public would reasonably expect it to be taken by the Executive;

E) whether the proposed Executive Decision is one which affects only particular individuals as opposed to the public generally;

22.4 Taking into account the above principles, the Council has agreed that these Procedure Rules shall apply to:

- a) Key Decisions taken by Officers; and
- b) any Executive Decision taken by an Officer:
  - i. under the scheme of delegation to Officers; or,
  - ii. which has been authorised specifically by the Leader/Executive;

which requires prior consultation with the Leader, a Lead Councillor or a local ward Councillor.

## **23. Record of Executive Decisions**

### **Executive Meetings**

23.1 As soon as reasonably practicable after any meeting of the Executive or any of its Committees (where applicable), whether held in public or private, the Head of Performance and Governance, or if the Head of Performance and Governance was not present, the person presiding at the meeting, shall produce a written statement of every Executive Decision taken at that meeting which shall include the following information:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

### **Executive Decisions Taken by the Leader or Individual Lead Councillors**

23.2 As soon as reasonably practicable after an Executive Decision has been taken by the Leader or an individual Lead Councillor, the Head of Performance and Governance

or his/her nominee shall prepare a record of the decision, which shall include the following information:

- a) a record of the decision, including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Councillor when making the decision;
- d) a record of any conflict of interest declared by any member of the Executive who is consulted by the Councillor which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

### **Executive Decisions Taken by Officers**

23.3 As soon as reasonably practicable after an Executive Decision has been taken by an Officer, that Officer shall prepare a record of the decision, which shall include the following information:

- a) a record of the decision, including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Officer when making the decision;
- d) a record of any conflict of interest declared by any member of the Executive who is consulted by the Officer which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

The provisions of Procedure Rules 7 and 8 will also apply (in so far as they relate to the provision of documents for inspection) to the making of Executive Decisions by individuals. This does not require the disclosure of exempt or confidential information.

## **24. Inspection of Documents Following Executive Decisions**

24.1 Subject to Procedure Rule 28, after a meeting of a decision-making body at which an Executive Decision has been made, or after the Leader, an individual Lead Councillor

or Officer has made an Executive Decision, the Head of Performance and Governance or his/her nominee shall ensure that a copy of:

- a) any records prepared in accordance with Procedure Rules 22 and 23; and
- b) any report considered at the meeting or, as the case may be, considered by the individual Member or Officer and relevant to a decision recorded in accordance with Procedure Rules 22 or 23 or, where only part of the report is relevant to such a decision, that part;

shall be available for inspection by members of the public, as soon as is reasonably practicable, at the Council offices and on the website.

24.2 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection referred to in a) above, those documents must be supplied for the benefit of the newspaper by the Council on payment by the newspaper to the Council of postage, copying or other necessary charge for transmission.

## **25. Inspection of Background Papers Following Executive Decision**

25.1 Subject to Procedure Rule 28, when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public in accordance with Procedure Rule 24, the requirements of Procedure Rule 8 (Inspection of Background Papers) will apply.

## **26. Scrutiny access to documents**

### **26.1 Rights to Copies**

Subject to Procedure Rule 26.2 below, a member of the Scrutiny Committee will be entitled to a copy of any document which is in the possession or control of the Leader/Executive and which contains material relating to:

- a) any business transacted at a meeting of the Executive;
- b) any Executive Decision taken by the Leader or an individual Lead Councillor; or
- c) any Executive Decision taken by an Officer.

The documents must be provided as soon as reasonably practicable, but no later than ten clear working days after the request is received.

### **26.2. Limits on Rights**

A member of the Scrutiny Committee will not be entitled to a copy of any document or part of a document that:

- a) is in draft form; or
- b) contains exempt or confidential information unless that information is relevant to:
  - i. an action or decision that that Member is reviewing or scrutinising; or
  - ii. any review contained in the Scrutiny Committee's work programme.

Where the Leader/Executive determines that a member of the Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in a) or b) above, they must provide the Scrutiny Committee with a written statement setting out their reasons for that decision.

## **27. Additional Rights of Access to Documents for Councillors**

27.1 Subject to Procedure Rules 27.5 and 27.6, any document which is in the possession or under the control of the Leader/Executive which contains material relating to any business to be transacted at a public meeting of the Executive shall be made available for inspection by any Councillor.

27.2 Any document which is required by Procedure Rule 27.1 to be available for inspection by any Councillor must be available for such inspection for at least 5 clear working days before the meeting except that:

- a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- b) where an item is added to the agenda at shorter notice, a document that would be required to be available under Procedure Rule 27.1 in relation to that item, must be available for inspection when the item is added to the agenda.

27.3 Subject to Procedure Rules 27.5 and 27.6, any document which is in the possession or under the control of the Leader/Executive and contains material relating to:

- a) any business transacted at a private meeting of the Executive;
- b) any decision made by the Leader or individual Lead Councillor in accordance with executive arrangements; or

- c) any decision made by an Officer in accordance with executive arrangements, must be available for inspection by any Councillor when the meeting concludes or in relation to b) and c) above, immediately after the decision has been made.

27.4 Any document which is required by Procedure Rule 27.3 to be available for inspection by any Councillor must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made as the case may be.

27.5 Procedure Rules 27.1 and 27.3 do not require a document to be available for inspection if it appears to the Monitoring Officer that it discloses exempt information.

27.6 Notwithstanding Procedure Rule 27.5, Procedure Rules 27.1 and 27.3 do require the document to be available for inspection if the information is information of a description for the time being falling within:

- a) category 3 of Appendix I (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract); or
- b) category 6 of Appendix I.

27.7 Where it appears to the Monitoring Officer that compliance with Procedure Rules 27.1 or 27.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant, that paragraph will not apply to that document or part.

27.8 The rights conferred by Procedure Rules 27.1 and 27.3 are in addition to any other rights that a Councillor may have.

## **28. Confidential Information and Exempt Information**

28.1 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.

28.2 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 Monitoring Officer, 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 Monitoring Officer, that document or part of a document contains or is likely to contain exempt information.

28.3 Where the Leader, a Lead Councillor or an Officer makes an Executive Decision in accordance with executive arrangements, nothing in these Procedure Rules:

- a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
- b) requires documents relating to that decision to be disclosed to the public or made available for public inspection where the disclosure of the documents would, in the opinion of the Councillor or Officer making the decision, give rise to the disclosure of exempt information.

## Part C – Other (Non-Executive) Decisions Taken by Officers

### 29. Recording of Decisions

29.1 The decision-making Officer shall produce a written record of any decision which falls within Procedure Rule 29.2.

29.2 A decision falls within this Procedure Rule if it would otherwise have been taken by the Council or a Committee, Sub-committee or a Joint Committee in which the Council participates, but it has been delegated to an Officer of the Council either:

- a) under a specific express authorisation; or
- b) under a general authorisation to Officers to take such decisions and, the effect of the decision is to:
  - i. grant a permission or licence;
  - ii. affect the rights of an individual; or
  - iii. award a contract or incur expenditure which, in either case, materially affects the Council's financial position\*.

(Note: the Council has decided that the financial threshold at or above which any contract awarded or expenditure incurred is deemed to materially affect its financial position is the same financial threshold referred to in the definition of a key decision.

29.3 The written record shall be produced as soon as reasonably practicable after the decision-making Officer has made the decision and shall contain the following information:

- a) the date the decision was taken;
- b) a record of the decision taken, along with reasons for the decision;
- c) details of alternative options, if any, considered and rejected; and
- d) the names of any Officer who has declared a conflict of interest in relation to the decision.

29.4 The duty imposed by Procedure Rule 29.1 is satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of

Procedure Rule 29.3 is already required to be produced in accordance with any other statutory requirement.

### **30. Decisions and Background Papers to Be Made Available to the Public**

30.1 The written record, together with any background papers, shall as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:

- a) at all reasonable hours, at the Council offices;
- b) on the website; and,
- c) by such other means that the Council considers appropriate.

30.2 On request and on receipt of payment of postage, copying or other necessary charge for transmission, the Council shall provide to the person who has made the request and paid the appropriate charges:

- a) a copy of the written record;
- b) a copy of any background papers.

30.3 The written record shall be retained by the Council and made available for inspection by the public for a period of 6 years, beginning with the date on which the decision to which the record relates was made.

30.4 Any background papers shall be retained by the Council and made available for inspection by the public for a period of 4 years, beginning with the date on which the decision to which the background papers relate was made.

30.5 The provisions relating to confidential and exempt information referred to in Procedure Rule 28.1 and 28.2 apply to this Part of these Procedure Rules.

# Appendix 1 – Meaning of Exempt Information

Information which:

- a) falls within any of Categories 1 to 7 below; and
- b) is not prevented from being exempt by virtue of Qualifications 1 or 2 below;

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.

## Categories of Exempt information

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).
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.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
  - a) to give under any enactment a notice 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.

## Qualifications

1. Information falling within Category 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
  - a) the Companies Acts (as defined in section 2 of the Companies Act 2006);

- b) the Friendly Societies Act 1974;
  - c) the Friendly Societies Act 1992;
  - d) the Co-operative and Community Benefit Societies Act 2014;
  - e) the Building Societies Act 1986; or
  - f) the Charities Act 2011.
2. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in principle pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.