

# 4 (2)

## **Access to Information Procedure Rules**

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# Access to Information Procedure Rules

## 1. **Scope**

These rules apply to all meetings of the Council and its Committees.

## 2. **Rights to attend meetings**

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

## 3. **Notices of meeting**

The Council will give at least **five clear** days notice of any meeting by posting details of the meeting at West Devon Borough Council offices (Kilworthy Park, Drake Road, Tavistock, Devon, PL19 0BZ) and on its website ([www.westdevon.gov.uk](http://www.westdevon.gov.uk)).

## 4. **Access to Agenda and reports before the meeting**

The Council will make copies of the agenda and reports open to the public available

for inspection at the designated offices at least **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 agenda has been sent out~~, the Head of Paid Service shall make each such report

available to the public as soon as the report is completed by uploading onto the Council website and notifying Members..and sent to Councillors.

## 5. **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) any other documents (already supplied to Councillors in connection with an item), if the Head of Paid Service or Monitoring Officer thinks fit, to any member of the public,

~~person~~

on payment of a charge for postage and any other costs.

## 6 **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 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.

## 7. **Background Papers**

### 7.1 **List of Background Papers**

The ~~Monitoring Officer Head of Paid Service~~ will set out in every report a list of those documents (called 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.

This list does not include published works or those which disclose exempt or confidential information (as defined in Rule 9).

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

The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.

## 8. **The Constitution**

A copy of this Constitution shall be ~~kept available to the public at the Council Offices, Kilworthy Park, Drake Road, Tavistock, Devon PL19 0BZ and~~ available on the Council's website at [www.westdevon.gov.uk](http://www.westdevon.gov.uk)

## 9. **Exclusion of access by the public to meetings**

### 9.1 **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.

### 9.2 **Meaning of Confidential Information**

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.

### 9.3 **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 necessary for one of the reasons specified in Article 6 of the Human Rights Act 1998.

### 9.4 **Meaning of Exempt Information**

Exempt information means information falling within the following 10 categories (subject to any conditions):

**Table of the exempt categories in Schedule 12A**

<b>Description of exempt information</b>	<b>Condition</b>
1. Information relating to any individual.	Information relating to individuals is covered by the Data Protection Act 1998.
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).	"Financial or business affairs" includes contemplated as well as past or current activities.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.	"Labour relations matters" are as specified in paragraph (a) to (g) of section 29(1) of the trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute.

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.	
<b>Qualifications</b>	
8. Information falling within <b>paragraph 3</b> is not exempt if it must be registered under the Companies Act, Friendly Societies Acts, Industrial and Provident Societies Acts, the Building Societies Act or the Charities Act.	
9. Information is not exempt 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.	
10. Information which: <ul style="list-style-type: none"> <li>• falls within paragraphs 1 to 7 and</li> <li>• is not prevented from being exempt by virtue of paragraphs 8 and 9</li> </ul> <p>is exempt information if and so long as, in all the circumstances of the case, <b>the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</b></p>	

## 10. **Exclusion of access by the public to reports**

If the Head of Paid Service thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, 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.