

APPENDIX A

4C. ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

1.1 These rules apply to meetings of the Council, the Scrutiny Committee, and the Governance Committee, the Standards Committee, Regulatory Committees, quasi-judicial Committees and meetings of the Cabinet (together called "meetings").

1.2 Rules 13 - 25 specifically apply to meetings of the Cabinet.

1.3 These rules do not apply to My Neighbourhood Area meetings (see Neighbourhood Procedure Rules)

2. Additional Rights to Information

2.1 These rules do not affect any more specific rights to information which are contained elsewhere in this Constitution or under any relevant legislation.

3. Rights to Attend Meetings

3.1 Members of the public may attend all meetings subject only to the exceptions set out in these rules. (See also Rules 15 & 33 & 34 Council Procedure Rules (Public Participation))

3.2 When the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings will, as far as practicable, have access to reasonable facilities for making their report.

3.3 Elected Members may attend & ask questions under Rules 32 & 34 of the Council Procedure Rules.

4. Notices of Meeting

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

4.2 In calculating the 5 clear days' notice the day of posting and delivery & the day of the meeting are excluded.

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 available for inspection at the Civic Centre Leyland at least five clear working days before the meeting.

5.2 Agendas and reports are also published on the Council's website at least five clear working days before the meeting. Members of the public may also access agendas by the Mod Gov app which can be downloaded onto personal devices.

5.3 Where a meeting is convened at shorter notice a copy of the agenda and associated reports will be open to inspection from the time the meeting is convened. 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.

5.4 Where reports are prepared after the summons has been sent out, the Chief Executive or other Designated Officer will make any such report available to the public as soon as the report is completed and has been sent to members.

5.5 In the circumstances set out in paras 5.3 and 5.4 the Council will always endeavour to publish reports at least three working days before the meeting. Lesser notice than this may only be given if the Mayor decides that there are highly exceptional circumstances.

6. Supply of Copies

6.1 The Council will supply copies of the following on request to any member of the public or media outlet on payment of a charge for postage and any other reasonable costs:

(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

(c) If the Chief Executive (or other designated officer) thinks fit, copies of any other documents supplied to members in connection with an item;

7. Access to Minutes etc After the Meeting

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

(a) The minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Cabinet, 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

(d) Reports relating to items when the meeting was open to the public.

7.2 The Council will within 10 working days of any meeting aim to publish the minutes of that meeting

8. Background Papers

8.1 The Chief Executive or other Designated Officer 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 does not include published works or documents which disclose exempt or confidential information (as defined in rule 10 of these Procedural Rules)

8.2 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.

9. Summary of the 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 Civic Centre and on the council's Website.

10. Exclusion of Access by the Public to Meetings

10.1 Wherever possible the council aims to conduct all of its meetings in public

10.2 Confidential information - requirement to exclude public

The public must be excluded from meetings whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

10.3 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.

10.4 Exempt information – discretion to exclude public

(a) The public may be excluded from meetings whenever it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, exempt information would be disclosed. However, the public interest in maintaining the exemption must outweigh the public interest in disclosing it. (see Qualification to Categories of Exempt Information at rule 10.5).

(b) Any resolution to exclude the public due to disclosure of exempt information must identify the part of the proceedings to which it applies and the description of the exempt information being used.

(c) 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.

10.4 Meaning of exempt information

Exempt information means information which falls within one or more of the following categories (unless one of the qualifications at 10. 5 set out below applies):

Category & Description
1. Information relating to any individual.
2. Information which is likely to reveal identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). N.B. "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 matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

NB Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, 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.

10 5 Qualifications to Categories of Exempt Information

The following qualifications to the categories of exempt information apply:

- Information under Category 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the building Societies Act 1986, or the Charities Act 1993.
- Information under any category is not exempt if it relates to a proposed development for which the Council as the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992
- Information falling under any category is only 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 it.
- The specified categories of exemptions under The Access to Information Procedure Rules do not apply to Licensing Act 2003 hearings, as these are required to be open to the public.

11. Exclusion of Access by the Public to Reports

11.1. If the Chief Executive or other Designated Officer 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 10 of these Procedure Rules, the meeting is likely not to be open to the public.

11.2. Any such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11.3. As a matter of policy, reports containing exempt information will not remain exempt longer than is necessary and accordingly upon request reports will be made public six months after the date of meeting, or sooner, unless the Chief Executive or other Designated Officer is of the opinion that there are overriding reasons for the information to remain exempt.

12. Application of Rules to the Cabinet

In addition to Rules 1- 11 the following Procedure Rules 13 -25 apply to the Cabinet (and to any committee of the Cabinet it may establish). These rules are designed to comply with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and all other relevant legislation.

13. Cabinet and Decisions

13.1. Meetings of the Cabinet will be held in public, unless;

- it is likely that exempt or confidential information would be disclosed during all or part of the meeting, or
- procedures are exercised to exclude either an elected member or a member of the public to maintain orderly conduct (see Rules 18 & 19 of the Council Procedure Rules)

13.2. The public may only be excluded for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

13.3. Before meeting in private to consider either exempt or confidential information the Cabinet must follow the procedure under Rule 14 below.

14. Procedures prior to Private Meetings of the Cabinet.

14.1 At least 28 clear calendar days before the intention to hold a meeting or part of a meeting in private, the Cabinet must include in its "Forward Plan" (see Rule 15) its intention to hold the meeting in private and the reasons for the meeting to be held in private.

14.2 At least five clear working days before a private meeting, the Cabinet must make available at the offices of the Council a further notice of its intention to hold the meeting in private and publish that notice on the Council's website.

14.3 The notice must include the reasons for the meeting to be held in private, details of any representations received by the Cabinet about why the meeting should be open to the public and its response to any such representations.

14.4 Where the date by which a meeting must be held makes compliance with this Rule impracticable, the meeting may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chairman of the Scrutiny Committee or, if the chairman of the Scrutiny Committee is unable to act, from the Mayor or, in the absence of both the chairman of the Scrutiny Committee and the Mayor, from the Deputy Mayor of the Council.

14.5 As soon as reasonably practicable after the Cabinet has obtained agreement to hold a private meeting, it must make available at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred, and publish that notice on the Council's website.

15. Cabinet Forward Plan - Notice of Key Decisions

15.1 Where Cabinet intends to make a "key decision" (see definition at Rule 16) the decision must not be made until a document, known as "The Cabinet Forward Plan", has been published at the Council's offices and on the Council's website for a period of 28 clear days. This document includes:

- The nature of the decision & who is making it
- The date on which, or the period within which, the decision is to be made;
- A list of any documents available or which become available relating to the decision and from where they can be obtained.

16. Key Decisions – definition

A key decision is defined as any decision in relation to a Cabinet function which is either:

- (a). Significant in terms of expenditure or savings. The financial threshold above which a matter becomes "significant" has been set at £100,000 and this figure is applicable to both revenue and capital budgets, **or**
- (b.) Significant in terms of its effect on the communities living in an area comprising two or more Council wards.

17. Key Decisions - General exception

17.1 Where the publication of the intention to make a key decision in the Cabinet Forward Plan giving 28 days' notice is impracticable, that decision may still be taken five clear working days after the Chairman of the Scrutiny Committee (or in his absence the Mayor or Deputy Mayor) has been informed by notice in writing, setting out the nature of the decision and the reasons why compliance with the 28 day notice requirement is impracticable.

17.2 The notice must also be made available at the Council's offices for inspection by the public and published on the Council's website.

18. Key Decision – Special Urgency

18.1 Where the date by which a key decision must be made is less than 5 clear working days, the decision may only be made where agreement has been obtained from the chairman of the Scrutiny Committee; or if the chairman of the Scrutiny Committee is unable to act, from the Mayor; or in the absence of both the chairman of the Scrutiny Committee and the Mayor, from the Deputy Mayor of the Council that the making of the decision is urgent and cannot reasonably be deferred.

18.2 As soon as reasonably practicable after agreement that the making of the decision is urgent and cannot reasonably be deferred, a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred, must be made available at the offices of the Council and published on the Council's website.

19. Reports on Special Urgency Decisions to Council & General Exceptions

19.1 The Leader must submit a report to the next available Council meeting setting out the details of any executive decision taken as a matter of special urgency under the procedure set out in Rule 18 (Key Decision - Special Urgency).

19.2 The Cabinet must prepare a report to the next available Council meeting setting out the details of any executive decision taken without giving 28 days' notice under the procedure set out in Rule 17 (Key Decision - General Exception).

20. Reports to the local authority where the key decision procedure is not followed

20.1 Where an executive decision has been made and was not treated as being a key decision and a Scrutiny Committee is of the opinion that the decision should have been treated as a key decision, the committee may require the Cabinet to submit a report to the Council within such reasonable period as the committee may specify.

20.2 A report under paragraph (1) must include details of the decision and the reasons for the decision; and if the executive of the Council is of the opinion that the decision was not a key decision, the reasons for that opinion.

21. Record of Executive Decisions made at Meetings

21.1 As soon as reasonably practicable but after any meeting of the Cabinet at which an executive decision has been made a written statement must be produced & published which includes:

- A record of the decision, including the date it was made & the reasons for the decision
- Details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made
- A record of any conflict of interest relating to the decision which is declared by any member of the Cabinet which made the decision, together with a note of any dispensation granted by the Council's Standards Committee.

22. Record of Executive Decisions made by Officers

22.1 As soon as reasonably practicable but after an executive decision has been taken by an Officer a written statement must be produced & published which includes:

- A record of the decision, including the date it was made & the reasons for the decision
- Details of any alternative options considered and rejected by the individual when making the decision
- A record of any conflict of interest relating to the decision which is declared by any member of the Cabinet who was consulted by the Officer, together with a note of any dispensation granted by the Council's Standards Committee.

23. Recording and Filming of Meetings

Recording and filming of public meetings of the Cabinet is allowed, unless undertaken in a disruptive manner. (see Rule 20 of the Council Procedure Rules)

24. Additional Rights of Access to Documents for Members of Local Authorities

24.1 Any document which is in the possession or under the control of the Cabinet, and which contains material relating to any business to be transacted at a public meeting, must be available for inspection by any member of the Council for at least five clear working days before the meeting. Where the meeting is convened at shorter notice, the document must be available for inspection when the meeting is convened or where in conjunction with an item added to the agenda at shorter notice, it must be available for inspection when the item is added to the agenda.

24.2 Any document which is in the possession or under the control of the Cabinet and contains material relating to any business transacted at a private meeting must be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

24.3 Any document which is required to be available for inspection by any member of the Council must be available for inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

24.4 Nothing requires a document to be available for inspection if it appears to the Chief Executive or other Designated Officer that it discloses exempt information of a description within part 1 of Schedule 12A to the 1972 Act

24.5 These rights are in addition to any other rights that a member of a local authority may have.

25. Additional rights of access to documents for members of scrutiny committees

25.1 A member of a Scrutiny Committee of the Council is entitled to receive within 10 clear working days of any request:

(a) a copy of any document which is in the possession or under the control of the Cabinet and contains material relating to any business that has been transacted at a meeting of the Cabinet

(b) a copy of any executive decision that has been made by an Officer

25. 2 No member of a Scrutiny Committee is entitled to a copy of any such document or part of a document which contains exempt or confidential information, unless that information is relevant to an action or decision that that member is reviewing or scrutinising or to any review contained in any programme of work of the committee

25. 3 Where the Cabinet determines that a member of a Scrutiny Committee is not entitled to a copy of a document or part of any such document it must provide the Scrutiny Committee with a written statement setting out the reasons.

25.4 The same rights to access documents also applies in relation to non-Executive functions & any Regulatory Committees or sub Committees.

26. Inspection and supply of documents

26.1 Any document required by any provision of these Rules to be open to inspection by members of the public must be available for inspection at all reasonable hours at the Council's offices and on the Council's website.

26.2 Subject to paragraph 26.4, where a document is to be available for inspection by a person under any provision in these Rules, the person may make a copy of the whole or part of the document; or be supplied with a copy of the whole or part of the document, on payment to the Council of postage, copying or other necessary charges.

26.3 Subject to paragraph 26.4, any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to any document supplied to that person or made available for inspection by members of the public under these Rules.

26.4 Where any document required by these Rules to be open to inspection by the public is supplied to or available for inspection by members of the public, or is supplied for the benefit of any media outlet, the publication thereby of any defamatory matter contained in the document is privileged unless the publication is proved to be with malice.

26.5 Any written record and report of an executive decision or any report must be retained by the Council and, where appropriate, made available for inspection by the public for a period of at least six years from the date on which the decision was made.

26.6 Any background papers must be retained by the Council and, where appropriate, be available for inspection by the public for a period of at least six years from the date on which the decision was made.

26.7 The rights conferred on any person by these Rules to inspect, copy or be supplied with documents are in addition to any such rights that person may have apart from those under these Rules.