

Access to Information Procedure Rules

Scope

1. These rules apply to all meetings of the Council, Cabinet, Scrutiny Committees, the Standards Committee and Regulatory Committees (together called 'meetings').

Additional Rights to Information

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

Right to Attend Meetings

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

Notice of Meeting

4. The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the public office of the Council (Town Hall, Darlington).

Access to Agenda and Reports Before the Meeting

5. Unless the Proper Officer (the Borough Solicitor), decides otherwise, all Members of the Council shall be provided with full copies of the agenda and reports to be presented to meetings, including those containing exempt and/or confidential information. The Council will make copies of the agenda and reports open to the public available for inspection at the public office of the Council (Town Hall, Darlington) at least five clear working days before the meeting. If an item is added to the agenda later, a supplementary agenda and any covering reports will be open to inspection from the time the item was added to the agenda.
6. Where a meeting is convened at shorter notice, a copy of the agenda and associated reports shall be made available for inspection at the time the meeting is convened.

Access to Agenda and Reports at the Meeting

7. Except during any part of a public meeting during which the public are excluded, the Council shall make available for the use of members of the public present, at the meeting, a reasonable number of copies of the agenda and of the reports for the meeting.

Supply of Copies

8. 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 Director of Corporate Services 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.

Access to Minutes etc. After the Meeting

9. The Council will make available copies of the following for at least six years beginning on the date on which the decision to which the record or report relates was made :-
 - (a) the Minutes of the meetings or records of decisions taken;
 - (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.

BACKGROUND PAPERS

List of Background Papers

10. The Chief Officer responsible for the report 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/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 works or those documents which disclose exempt or confidential information, defined below.

Public Inspection of Background Papers

11. The Council will make available for public inspection at its offices for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

SUMMARY OF PUBLIC'S RIGHTS

12. A written summary of the public's right to attend meetings and to inspect and copy documents (as detailed in this Constitution) is kept at the Town Hall, Darlington.

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential Information - Requirement to Exclude Public

13. 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.

Exempt Information - Discretion to Exclude Public

14. 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.
15. 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.

Meaning of Confidential Information

16. 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.

Meaning of Exempt Information

17. Exempt information means information falling within the following 7 categories (subject to any condition) :-

Category	Condition
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 1965 to 1978; and (e) the Building Societies Act 1986; or the Charities Act 1993

Category	Condition
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.	

18. Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grant itself permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
19. Information which falls within Nos 1 to 7 above; and is not prevented from being exempt by virtue of the condition No. 3 above, 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.

EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

20. If the Proper Officer (the Borough Solicitor) 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 Rules 13 to 17 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.

Nature of Rights

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