

Access to Information Procedure Rules

Scope

1. These rules apply to all meetings of the Council, Cabinet, Scrutiny Committees, the Member Standards Hearing 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 to the provisions dealing with Behaviour at Meetings and the Exclusion of Access paragraphs contained within these Rules (see below).

Rights to Photograph, Film, Record, Blog etc. at Meetings

4. Anybody attending a meeting, that is held in public, can photograph, film, record and broadcast the meeting (or part of the meeting), including by digital and social media.
5. Filming, photography or recording should not be directed towards or be focussed on the members of the public attending the meeting.
6. Filming, photographing or recording should be conducted using hand-held devices and carried out in a way which is conducive to the good order and conduct of the meeting.
7. The person presiding at the meeting may order that filming, photography or recording must stop if it is being disruptive to the conduct of the meeting or is being directed towards members of the public.
8. Film crews with more complex equipment should contact the Communications Team at least one working day before the meeting commences to allow appropriate arrangements to be made.

Behaviour at Meetings

9. If any person interrupts or disrupts the proceedings of any meeting, the person presiding shall warn him/her. If he/she continues to interrupt or disrupt the meeting, the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the person presiding shall order him/her to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for an appropriate time.
10. In the event of general disturbance which is disruptive of proceedings, the person presiding may order the part of the room open to the public to be cleared and may adjourn the meeting for an appropriate time.

Notice of Meeting

11. The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the public office of the Council (Town Hall, Darlington) and on its website www.darlington.gov.uk.

Access to Agenda and Reports Before the Meeting

12. Unless the Proper Officer (Assistant Director Law and Governance), 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 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.
13. 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

14. 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

15. 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 Assistant Director Law and Governance 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

16. 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

17. The Chief Officer responsible for the report will set out in any report which is open to the public, 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

18. 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

19. 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

20. 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

21. 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.
22. Where possible, any exempt information shall be contained in an appendix to enable discussion of the main item to be held in public. 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 included.
23. 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 that Act.

Meaning of Confidential Information

24. 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

25. 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).	<p>Information falling within this paragraph is not exempt information by virtue of this paragraph if it is required to be registered under :-</p> <p>(a) the Companies Act 1985;</p> <p>(b) the Friendly Societies Act 1974;</p> <p>(c) the Friendly Societies Act 1992;</p> <p>(d) the Industrial and Provident Societies Act 1965 to 1978; and</p> <p>(e) the Building Societies Act 1986; or</p> <p>(f) the Charities Act 1993</p>

Category	Condition
<p>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.</p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6. Information which reveals that the authority proposes -</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

26. 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.

27. 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.

PRIVATE MEETINGS OF CABINET

28. There are additional requirements in relation to private meetings of Cabinet which are detailed in the Cabinet Procedure Rules contained within this Constitution.

EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

29. If the Proper Officer (Assistant Director Law and Governance) 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 21 to 24 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

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