

## **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.
9. Your attention is drawn to the Council's Protocol on photography, filming, recording and broadcasting at Council meetings, included at the end of these Procedure Rules.

### **Behaviour at Meetings**

10. 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.

11. 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**

12. 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) and on its website [www.darlington.gov.uk](http://www.darlington.gov.uk).

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

13. 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 working days before the meeting and on its website [www.darlington.gov.uk](http://www.darlington.gov.uk). 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.
14. 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**

15. 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**

16. 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**

17. 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**

18. 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**

19. 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**

20. 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**

21. 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**

22. 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.
23. 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.

24. 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

25. 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

26. 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  (f) 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.	

27. 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.
28. 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**

29. 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**

30. 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**

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

## **Protocol on photography, filming, recording and broadcasting at the Council meetings**

32. Darlington Borough Council supports the principles of openness and transparency.
33. The purpose of this protocol is to provide guidance to Chairs of council meetings, Committees, Cabinet and elected Members and to the press or public on the taking of photographs, filming, recording and broadcasting of any of the Council's public meetings, including by digital and social media.
34. If the press or a member of the public proposes to film, photograph or record a meeting, it is advisable that they contact the Democratic Services Officer before the start of the meeting to ensure the necessary arrangements can be made and those participating in the meeting can be advised accordingly.

**NOTE – Members of the public and film crews with more complex equipment should contact the Communications Team at least one working day prior to the meeting to allow appropriate arrangements to be made**

35. When appropriate, the Chair of the Committee will make an announcement that the meeting is being filmed, photographed or recorded at the start of the meeting. They will also advise members of the public that they will not be filmed, photographed or recorded unless they have a role in the meeting, such as asking a question or making a representation, in which case they will be deemed to have given their consent.
36. Filming, recording or photographing of any public meeting must take place from a designated fixed position in the meeting room. Equipment must not block access routes, no trailing cables are allowed and equipment cannot be plugged into mains sockets.
37. Filming, recording or photographing must not include the public gallery/public seating area to avoid members of the public being filmed, photographed or recorded without their consent. No person under the age of 16 can be filmed, photographed or recorded without written permissions given by parent or guardian in advance.
38. Filming, recording or photographing must only commence at the beginning of the meeting when the Chair opens the meeting and must stop when the meeting closes, or goes into private session, or during any break in the meeting. Anything that is outside the scope of the meeting itself cannot be filmed.

39. No exempt or confidential agenda items will be filmed, recorded or photographed. Equipment must not be left in any room where a private meeting is held or a public meeting when it goes into private session.
40. Audible commentary must not be made during the meetings.
41. The use of flash photography or additional lighting is not permitted.
42. If the Chair of the meeting considers that the filming, recording or photographing is disrupting the meeting, or if the person conducting it does not abide by the protocol, the operator of the equipment will be required to stop filming, recording or photographing the meeting for the remainder of the session.