SECTION 14

14. Access to Information Procedure Rules

14.1 Scope

These rules apply to all meetings of the Council, the Cabinet, Scrutiny Committees, the Standards Committee, and Environment Committees.

14.2 Additional Rights to Information

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

14.3 Rights to Attend Meetings

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

14.4 Notices of Meeting

Unless a meeting is convened at short notice, the Council will give at least 5 clear days' notice of any meeting by posting details of the meeting at Council Officer Caernarfon Gwynedd LL55 1SH and on its website.

14.5 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 office and on its website at least 5.0 clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

14.6 Supply of Copies

The Council will supply copies of:

14.6.1 any agenda and reports which are open to public inspection;

14.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

14.6.3 if the Head of Democratic Services thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

14.7 Access to Minutes etc after the Meeting

The Council will make available either electronic or hard copies of the following for a period of six years after the date of a meeting:

14.7.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;

14.7.2 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;

14.7.3 the agenda for the meeting; and

14.7.4 reports relating to items when the meeting was open to the public.

14.8 Background Papers

14.8.1 List of Background Papers

The Officer preparing the report 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

but does not include published works or those which disclose exempt or confidential information as defined in Rule 14.10.

14.8.2 Public Inspection of Background Papers

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

14.9 Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at Council Officer Caernarfon Gwynedd LL55 1SH.

14.10 Exclusion of Access by the Public to Meetings

14.10.1 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.

14.10.2 Exempt Information – Discretion to Exclude Public

(a) 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.

(b) 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.

14.10.3 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.

14.10.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any condition):

NOTE: Information is not exempt information 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.

No.	Category of Exempt Information	Condition
11	Information relating to any individual.	Public interest test applies (see below).
12	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
13	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 13 is not exempt information by virtue of that paragraph if it is required to be registered under: • The Companies Act 1985; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or The Charities Act 1993. Public interest test applies (see below).
14	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	Public interest test applies (see below).

	of, or office holders under, the authority.	
15	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
16	Information which reveals that the authority proposes: • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment.	Public interest test applies (see below).
17	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Public interest test applies (see below).	Public interest test applies (see below).
18.	*.(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government18 Act 2000):* 18A Information which is subject to any obligations of confidentiality. 18B Information which relates in any way to matters concerning national security. 18C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	

14.11 Public Interest Test

14.11.1 Information which:

(a) falls within any of paragraphs 11 to 14, and 16 to 17 above; and

(b) is not prevented from being exempt by virtue of the "qualifications" 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.

14.11.2 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

14.11.3 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

(a) There is a distinction between public interest and what merely interests the public.

(b) Does it further the understanding of and participation in the public debate of issues of the day?

(c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?

(d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?

(e) Does it bring to light information affecting public health and public safety?

14.12 Exclusion of Access by the Public to Reports

If the Monitoring 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 14.10, 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 and if applicable, why it is in the public interest it is considered that the information should not be disclosed.

14.13 The Forward Work Programme

14.13.1 Period of Forward Work Programme

The Forward Work Programme will be prepared by the Head of Democratic Services to cover a period of 6 months. It will be updated at the end of this period.

14.13.2 Contents of Forward Work Programme

(a) The Forward Work Programme will contain matters which the Cabinet, Scrutiny Committees and Full Council are likely to consider. It will contain information on:

(i) the timetable for considering the budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

(ii) the timetable for considering any plans which are the responsibility of the Cabinet;

(iii) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;

(iv) the work programme of the Scrutiny Committees.

(b) The Forward Work Programme will be published at least 14 days before the start of the period covered. The Head of Democratic Services will publish a notice in at least one newspaper circulating in the area, stating that the Forward Work Programme has been published and giving details of where it may be consulted or obtained.

14.14 Consultation on Proposals to be Considered by the Cabinet

14.14.1 At least four weeks should be permitted in the Forward Work Programme for consultation with the Scrutiny Committees and Electoral Division Members where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in paragraph 14.10).

14.14.2 A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last Forward Work Programme was produced and a decision is required within four weeks.

14.14.3 A decision can only be treated as urgent if the decision taker (if an individual) or the Chair of the body making the decision obtains the agreement of the Chair of the relevant Scrutiny Committees that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant Scrutiny Committees, or if the Chair of the Scrutiny Committees is unable to act, then the agreement of the Chair of the Council or, in his/her absence, the Vice Chair will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

14.15 Record of Decisions of the Cabinet

14.15.1 The Decision Record

(a) A written record will be made of every Executive Decision made by the Cabinet and its Committees (if any) and by individual Cabinet Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.

(b) This decision record will include a statement, for each decision, of:

(i) the decision made;

(ii) the date the decision was made;

(iii) the reasons for that decision;

(iv) any personal interest declared;

(v) any dispensation to speak granted by the Authority's Standards Committee;

(vi) any consultation undertaken prior to the decision.

14.15.2 Preparing the Decision Record

(a) The Head of Democratic Services or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of a local authority executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

(b) Where an individual Cabinet Member has made any Executive Decision:

(i) that Member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and

(ii) the decision shall not be implemented until that decision record has been produced, subject to paragraph (c) below.

(c) Where the date by which an Executive Decision made by an individual Cabinet Member must be implemented makes compliance with 14.15.2 (b) above impracticable, the decision may be implemented if the decision maker has the agreement of

(i) the Chair of the relevant Scrutiny Committees; or

(ii) if there is no such person or that person is unable to act, the Chair; or

(iii) if there is none of the above then the Vice Chair,

that the making of the decision is urgent and cannot reasonably be deferred. The call in procedure in Section 7.25 will not apply in these circumstances.

14.16 Decisions by An Individual Member of the Cabinet

14.16.1 Reports Must Be Taken Into Account

Where an individual Member of the Cabinet intends to make any decision, then he/she will not make the decision until taking into account the contents of an Officer report.

14.16.2 Provision of Copies of Reports to Scrutiny Committees

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the relevant Scrutiny Committees as soon as reasonably practicable, and make it publicly available at the same time.

14.16.3 Record of Individual Decision

The decision recording rules in paragraph 14.15 will apply.

14.17 Scrutiny Committees and Members' Access to Documents

14.17.1 Rights of Access

Subject to paragraph 14.17.2 below, Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

(a) any business transacted at a meeting of the Cabinet or its Committees; or

(b) any decision taken by an individual Member of the Cabinet.

14.17.2 Limit on Rights

Scrutiny Committees will not be entitled to any part of a document that contains:

(a) confidential or exempt information; or

(b) advice provided by a political advisor or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Scrutiny Committees.

14.18 Additional Rights of Access for Members of Scrutiny Committees

14.18.1 Rights of Access

All Members will be entitled (except where a Member has a prejudicial interest in any matter) to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision making body of the Council or by an individual Member of the Cabinet.

14.18.2 Limitation on Rights

A Member will not be entitled to any part of a document where:

(a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972; or

(b) it would disclose advice of a political advisor or assistant.

14.18.3 Nature of Rights

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