

SECTION 2 ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These Rules apply to all meetings of the Council, its Committees and Sub-Committees (called "Relevant Meetings"). They do not apply to meetings of Working Groups, Boards, Reference Groups, Management Groups or Panels.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHT TO ATTEND MEETINGS

Members of the public may attend all relevant meetings subject only to the exceptions in these Rules.

4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any relevant meeting by posting details of the meeting at the Council Offices and on its website.

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 Tewkesbury Borough Council Offices at least five clear days before the relevant meeting. 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. Where reports are prepared after the summons to the meeting and Agenda has been sent out, the Corporate Director shall make each such report available to the public as soon as the report is completed and sent to Councillors. Any item which the Chair of the relevant meeting accepts, for reasons of urgency, to be tabled at a relevant meeting, will be made available for public inspection and will be circulated to any public and press who are present at the relevant meeting.

6. SUPPLY OF COPIES

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 on the Agenda;
- (c) any other documents supplied to Councillors in connection with an item, if the Corporate Director thinks fit

to any person on payment of any charge for postage and any other costs.

These are available free of charge if downloaded from the Council's website.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for six years after a relevant meeting:

- (a) the minutes of the meeting 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; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The Corporate Director 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 Access to Information Procedure Rule 10).

8.2 Public Inspection of Background Papers

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

9. SUMMARY OF RIGHTS OF MEMBERS OF THE PUBLIC

A written summary of the rights of members of the public to attend relevant meetings, and to inspect and copy documents, will be kept at, and available to the public at, the Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from relevant 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.

10.2 Exempt Information - Discretion to Exclude Public

- (a) The public may be excluded from relevant 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 of that Act.

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 Meaning of Exempt Information

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

Qualifications:

8. Information falling within Paragraph 3 above is not exempt information by virtue of that 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 Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. 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.
10. Information which:
- (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 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.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Corporate Director thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Access to Information Procedure Rule 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.