

## **Access to Information Procedure Rules**

### **1. Introduction and Scope**

- 1.1 These rules apply to all meetings of the Full Council, the Scrutiny Board, Scrutiny Panels, other Committees, sub committees and public meetings of the Cabinet and Cabinet Panels.

Certain rules will also apply to Executive decisions taken by individual Cabinet members and officers.

Note: the rules set out below are in addition to any rights which members of the public may enjoy under the Freedom of Information legislation.

### **2. Additional Rights to Information**

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

### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions referred to in paragraph 10.

### **4. Notice of Meeting**

- 4.1 Except in cases of special urgency the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH and on the Council's website. This will exclude the day of publication of the agenda and day of the meeting, along with weekends and bank holidays.

### **5. Access to Agenda and Reports before the Meeting**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Centre and on the Council's website, at least five clear days before the 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 has been sent out, the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors).

### **6. Supply of Copies**

- 6.1 The Council will make available copies of:
- a. any agenda and reports which are open to public inspection;

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- b. any further statements or particulars, which are not exempt or confidential and which are necessary to indicate the nature of the items in the agenda; and
- c. if the Head of Paid Service 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 reasonable costs.
- d. A copy of all agendas, minutes and reports will be made available on the Council's website at least five clear days before the meeting

### **7. Access to Minutes, Agendas and Reports after the Meeting**

- 7.1 The Council will make available copies including on the Council's website, of the following for at least six years after a meeting:
- a. the minutes of the meeting or records of decisions taken, together with reasons, 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.

These documents will be available via the Council's website or during normal business hours for inspections at the Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH.

### **8. Background Papers**

#### 8.1 List of background papers

The Council will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in the author's 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 paragraph 10 below) and in respect of Cabinet reports, the advice of a political advisor.

#### 8.2 Public inspection of background papers

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

### **9. Summary of Public's Rights**

- 9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

### **10. Exclusion of Access by the Public to Meetings**

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. Non-Executive Councillors of the Council shall be entitled to remain at Executive meetings where decisions are being taken as observers only, unless the Proper Officer advises that this would be inappropriate.

2. Exempt information – discretion to exclude public

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. Non-Executive Councillors of the Council shall be entitled to remain at Executive meetings where decisions are being taken as observers only, unless the Proper Officer advises that this would be inappropriate.

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.

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.

4. Meaning of exempt information

Exempt information is defined in the Local Government (Access to Information) (Variation) Order 2006 which amends Part 1 of Schedule 12A to the Local Government Act 1972.

The categories of exempt information are:-

- (i) Information relating to any individual.

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- (ii) Information which is likely to reveal the identity of an individual.
- (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (iv) 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.
- (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (vi) 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.
- (vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **Qualifications**

- (viii) Information falling within categories (i) to (vii) above is **not** exempt 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;
  - (f) the Charities Act 1993.
- (ix) 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.
- (x) Information which –
  - (a) falls within any of paragraphs 1 to 7 above; and

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- (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.

### **5. Exempt information relating to the Standards Committee only**

Additional categories of exempt information relating to the Standards Committee only are:

- a. Information which is subject to any obligation of confidentiality.
- b. Information which relates in any way to matters concerning national security.
- c. The deliberations of the Standards Committee (or its Sub-Committee) in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.

### **6. Scope of exclusion**

When it is necessary to exclude the public, the exclusion applies to any individual that is either not a member of the particular committee or not an employee or other person who is there to contribute their professional opinion to support the committee's deliberations. The Chair's decision about who may remain is final.

## **11. Exclusion of Access by the Public to Reports**

- 11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports (or parts of reports) which in his or her opinion relate to items during which, in accordance with paragraph 10 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.

## **12. Application of Rules to the Cabinet**

- a. Paragraph 13.1 below applies to the Cabinet and Cabinet Panels.

If the Cabinet meets to take a key decision, as defined in Article 13.3 of this Constitution, then it must also comply with –paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply.

- b. If the Cabinet meets to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for employees to brief Councillors.

**13. Procedure before Taking Key Decisions**

13.1 Subject to paragraph 23.5 (general exception) and paragraph 23.6 (special urgency), a key decision may not be taken unless:

- a. the required details pertaining to the decision have been published at least 28 clear days in advance;
- b. where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with paragraph 22.4 (notice of meetings).