

## **Annex 4.4 - Access to Information Procedure Rules**

### **1. Scope**

- 1.1. These rules apply to all meetings of Full Council, its committees, sub-committees, advisory panels that are held in public (together called meetings).

### **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 (such as the Freedom of Information Act).

### **3. Rights to attend meetings**

- 3.1. Members of the public may attend all meetings subject to the exclusions shown in Section 9.

### **4. Notices of meeting**

- 4.1. The council will give at least five clear working days' notice of any meeting by posting details of the meeting on its website and at the Town Hall, Epsom.

### **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 Town Hall at least five clear working 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 agenda has been published, the Chief Executive will ensure such reports are available as soon as possible.

### **6. Supply of copies**

- 6.1. The council will supply paper copies of any of the following, to any person on payment of a charge for postage and any other costs.
- i. Agenda and reports which are open to public inspection.
  - ii. Further statements or particulars necessary to indicate the nature of the items in the agenda.
  - iii. If the Chief Executive thinks fit, any other documents supplied to councillors in connection with an item.

### **7. Access to minutes etc. after the meeting**

- 7.1. The council will make available copies of the following for six years after a meeting:

- i. 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.
- ii. 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.
- iii. The agenda for the meeting.
- iv. Reports relating to items when the meeting was open to the public.

## **8. Background papers**

### **8.1. List of background papers**

8.1.1. The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- i. Discloses any facts or matters on which the report or an important part of the report is based.
- ii. Have been relied on to a material extent in preparing the report.

8.1.2. Papers will not include published works or those which disclose exempt or confidential information (as defined in Section 9).

### **8.2. Public inspection of background papers**

8.2.1. The council will make available for public inspection for four years after the date of the meeting, a copy of each of the documents on the list of background papers.

## **9. Exclusion of access by the public to meetings**

### **9.1. Confidential information - requirement to exclude public**

9.1.1. 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.

9.1.2. 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

### **9.2. Exempt information - discretion to exclude public**

9.2.1. 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.

9.2.2. 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.

9.2.3. Exempt information means information falling within the seven categories below provided that in all the circumstances the public interest in withholding the information outweighs the public interest in disclosing the information.

| <b>EXTRACTS FROM THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATIONS) ORDER 2006</b> |  |
|---|--|
| <b>DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND</b>  |  |
| 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 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 privilege could be maintained in legal proceedings.   |
| 6.  | Information which reveals that the authority proposes: <ul style="list-style-type: none"> <li>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>b) to make an order or direction under any enactment.</li> </ul> |
| 7.  | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.  |

9.3. Information falling within any of paragraphs 1 - 7 in the table above, is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under

Regulation 3 of the Town and Country Planning Act General Regulations  
1992.

**10. Summary of public's rights**

- 10.1. A copy of these Rules, constituting a written summary of the public's rights to attend meetings and to inspect and copy documents, will be kept at and available to the public at the Town Hall, Epsom.