

| | |
|--|---|
| PART 4e – ACCESS TO INFORMATION PROCEDURE RULES | |
| Effective from 20 May 2015 | Approved by Council on 30 March 2015 |

1 SCOPE

- 1.1 Unless specifically stated these rules apply to all meetings of the Council, and to its Committees and Sub-Committees.
- 1.2 For the avoidance of doubt, when a Procedure Rule states that a request should be made in writing then this includes a request submitted by electronic means.

2 ADDITIONAL RIGHTS TO INFORMATION

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

3 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions set out in these Rules. Any person attending the meeting for the purpose of reporting the proceedings will be afforded reasonable facilities for taking their report.

4 NOTICES OF MEETINGS

The Council will give at least five clear days notice of every meeting by posting details of the meeting at the Town Hall, Lytham St Annes (“the designated office”), and on the Council’s website.

5 ACCESS TO AGENDA AND REPORTS BEFORE MEETINGS

The council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council’s website at least five clear days before the meeting. If an item is added to the agenda later than five clear days before the meetings, revised or additional agenda and the reports will be open for inspection when they are sent to Councillors.

6 SUPPLY OF COPIES

On payment of a charge for postage and any other reasonable costs, the Council will supply to any person copies of any agenda and reports that are open to public inspection. The council will also try to make the agenda and reports for each meeting available on its website as soon as they have been finalised.

7 ACCESS TO MINUTES ETC AFTER MEETINGS

The Council will make available copies of the following for six years after a 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 discloses exempt or confidential information (as defined in Rule 10);
- (b) a summary of any proceedings not open to the public, if 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 considered when the meeting was open to the public.

8 BACKGROUND PAPERS

8.1 List of background papers

Each report that is available for public inspection will contain a list of background papers. These are documents or web sites relating to the subject matter of the report that:

- (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.

The list excludes any public documents and any documents that disclose exempt or confidential information (as defined in Rule 10)

8.2 Inspection and publication of background papers

The Council will make available for public inspection for four years after the date of a meeting one copy of each of the documents in the lists of background papers. Copies of background papers will also be available via the council's website where possible.

9 SUMMARY OF PUBLIC'S RIGHTS

For the purpose of providing a written summary of the right of the public to attend meetings and to inspect and copy documents, a copy of these Rules will be available to the public through the council's website.

10 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

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.

10.2 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.

Where the meeting will determine any person's civil rights or obligations or adversely affect their possessions, article 6 of the European Convention on Human Rights, as applied by 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.

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 because of a Court Order.

10.4 Meaning of exempt information

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

| | |
|--|-----------------|
| | Category |
|--|-----------------|

| | |
|----|--|
| 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 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. |
| | Conditions |
| 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[9]. |
| 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. |