



## Ribble Valley Borough Council

Rules with regard to access to meetings  
and related documents of the Council, its  
committees and subcommittees

March 2012

**RULES WITH REGARD TO ACCESS TO MEETINGS AND RELATED DOCUMENTS OF THE COUNCIL, ITS COMMITTEES AND SUBCOMMITTEES**

**CONTENTS**

1. INTRODUCTION	2
2. SCOPE	2
3. RIGHT TO ATTEND/ NOTICE OF MEETINGS	2
4. ACCESS TO MEETING REPORTS, AGENDAS AND BACKGROUND DOCUMENTS	3
5. SUMMARY OF PUBLIC'S RIGHTS	4
6. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS	4
6.1 <i>Confidential information – requirement to exclude public</i>	4
6.2 <i>Meaning of confidential information</i>	4
6.3 <i>Exempt information – discretion to exclude public where exempt information likely to be disclosed and in other circumstances</i>	4
6.4 <i>Meaning of exempt information</i>	5
6.5 <i>Right to exclude in other circumstances</i>	7
6.6 <i>Permission needed to record</i>	7
7. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS	7
8. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS OF THE COUNCIL	8

**1. INTRODUCTION**

1.1 Part VA of (sections 100A to 100K) and Schedule 12A to the Local Government Act 1972 (“*the LGA*”) set out the requirements with regard to access to meetings and documents of the Council, its committees and subcommittees.

1.2 The Council’s Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees (“*the Rules*”) which are set out in this document are based upon these legislative provisions and will be interpreted in accordance with them.

**2. SCOPE**

2.1 The Rules apply to all meetings of the Council and any of its committees, including its overview and scrutiny committee, policy committees and its Standards Committee (each being a “Meeting” and collectively being “Meetings”).

2.2 The Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law; nor do the Rules limit or diminish the Council’s duties to protect certain information, including personal information. This includes the rights and duties arising under the Freedom of Information Act 2000 and the Data Protection Act 1998.

**3. RIGHT TO ATTEND/ NOTICE OF MEETINGS**

3.1 Members of the public may attend all Meetings subject to the exceptions in Rule 6 below.

3.2 While a Meeting is open to the public, duly accredited representatives of newspapers attending the Meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report.

3.3 The Council will give at least five clear days public notice of any Meeting by posting details of the Meeting at the Council Offices, Church Walk, Clitheroe (“*the Council Offices*”) and on the Council’s website.

3.4 If the Meeting is convened at shorter notice, public notice of it will be posted at the Council Offices and on the Council’s website at the time the Meeting is convened.

#### **4. ACCESS TO MEETING REPORTS, AGENDAS AND BACKGROUND DOCUMENTS**

4.1 The Council will make copies of the Meeting agenda and of any reports that are open to the public available for inspection at the Council Offices and on its website at the time notice is given of the Meeting (being not less than at least five clear days before the Meeting).

4.2 If a Meeting is convened at shorter notice, copies of any reports that are open to the public will be made available for inspection from the time the Meeting is convened.

4.3 If an item is added to the agenda later, the Head of Legal and Democratic Services shall make any related report that is open to the public available for inspection as soon as the item is added to the agenda.

4.4 The Council will supply copies of:

- any agenda and any reports that are open to the public;
- any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- if the Head of Legal and Democratic Services 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.

4.5 Rules 4.1 to 4.4 above do not require copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Council.

4.6 The Council will make available copies of the following for six years after a Meeting:

- 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;
- 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;
- the agenda for the Meeting; and
- reports relating to items when the Meeting was open to the public.

4.7 The responsible officer 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:

- disclose any facts or matters on which the report or an important part of the report is based; and
- 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.

4.8 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.

4.9 Where a person wishes to be supplied with (or to make) copies of or extracts from an agenda, report, or background paper, he shall be entitled to do so upon payment of a reasonable fee.

## **5. SUMMARY OF PUBLIC'S RIGHTS**

5.1 This document constitutes the written summary of the public's rights to attend Meetings and to inspect and copy documents. It will be kept, and will be available to the public, at the Council Offices.

## **6. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### ***6.1 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.

### ***6.2 Meaning of confidential information***

Confidential information is defined in section 100A(3) of the LGA and means: (i) information given to the Council by a Government Department on terms which forbid its public disclosure; and (ii) information whose disclosure is prohibited by an enactment or by a Court Order. Information whose disclosure is prohibited by an enactment would include personal information, the disclosure of which to the public is forbidden by the provisions of the Data Protection Act 1998.

### ***6.3 Exempt information – discretion to exclude public where exempt information likely to be disclosed and in other circumstances***

- 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 six 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 six.
- Under Section 14(2) of the Licensing Act 2003, the Licensing Committee or a Licensing sub-committee may exclude the public from all or part of a hearing

where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

- The public may also be excluded from certain proceedings of the Standards Committee or one of its sub-committees.

**6.4 Meaning of exempt information**

Exempt information means information falling within any of the categories listed in the table below, subject to the applicable conditions and provided that 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; and
- is exempt information 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.

Category	Condition
1. Information relating to any individual. <i>(Information relating to an individual)</i>	
2. Information which is likely to reveal the identity of an individual <i>(Information identifying an individual)</i>	
3. Information relating to the financial or business affairs <sup>1</sup> of any particular person (including the authority holding that information) <i>(Financial or business affairs)</i>	Information is not exempt if it is required to be registered <sup>2</sup> under the Companies Acts (as defined in section 2 of the Companies Act 2006), the Friendly Societies Acts 1974 and 1992, the Cooperative and Community Benefit Societies and Credit Union Acts 1965 to 1978, the Building Societies Act 1986, or the Charities Act 1993.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter <sup>3</sup> arising	

<sup>1</sup> This includes contemplated, as well as past or current, activities.

<sup>2</sup> I.e. recorded in the public file of any building society (within the meaning of the Act).

<sup>3</sup> I.e.: (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or (b) any dispute about a matter falling within paragraph (a) above, and, for the purposes of this definition, the enactments mentioned in paragraph (a), with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of that authority. Paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 include: terms and conditions of

Category	Condition
<p>between the Authority or a Minister of the Crown and employees<sup>4</sup> of, or an officer holder<sup>5</sup> under, the authority.</p> <p><i>(Labour relations, consultations or negotiations)</i></p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p> <p><i>(Legal privilege)</i></p>	-
<p>6. Information which reveals that the Authority proposes:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person</p> <p>(b) to make any order or direction under any enactment</p> <p><i>(Enforcement proceedings)</i></p>	
<p>7. Information relating to any action or to be taken in connection with the prevention, investigation or prosecution of crime</p> <p><i>(Crime prevention, investigation or prosecution)</i></p>	-

The Local Authorities (Code of Conduct)(Local Determination) Regulations 2003 introduced four new categories of “exempt” information (via amendments made to regulation 7 of the Relevant Authorities (Standards Committees) Regulations 2001). These are applicable only in the event of local hearings being held upon referral of allegations of potential breaches of the Member Code of Conduct by the Standards Board for England. These categories are as follows

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employment or the physical conditions in which any workers are required to work; engagement or non-engagement or termination or suspension of employment or the duties of employment of one or more workers; allocation of work or the duties of employment as between workers or groups of workers; matters of discipline; membership or non-membership of a trade union on the part of a worker; facilities for officials of trade unions; and machinery for negotiation or consultation and other procedures relating to any of the foregoing matters including the recognition by employees or employers’ associations of the right of a trade union to represent workers in any such negotiation or consultation or in the carrying out of such procedures.

<sup>4</sup> I.e. a person employed under a contract of service.

<sup>5</sup> I.e. the holder of any paid office appointments to which are or may be made or confirmed by the Council or by any joint board on which the Council is represented or by any person who holds any such office or is an employee of the Council.

8.	Information relating to the personal circumstances of any person <i>(Personal circumstances- Code of Conduct)</i>	<b>Standards Committee deliberations only</b>
9.	Information which is subject to any obligation of confidentiality <i>(Confidentiality obligation- Code of Conduct)</i>	<b>Standards Committee deliberations only</b>
10.	Information which relates in any way to matters concerning national security. <i>(National security- Code of Conduct)</i>	<b>Standards Committee deliberations only</b>
11.	The deliberations of a standards committee or a sub committee of the standards committee established under the provisions of Part III of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2) or (5), or 71(2) of that Act <i>(Code of Conduct Investigations)</i>	<b>Standards Committee deliberations only</b>

*6.5 Right to exclude in other circumstances*

The Council reserves the right to exclude any person from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

*6.6 Permission needed to record*

The taking of photographs and video and sound recording by any person at any meeting may only be done with the express prior permission of the Council’s Monitoring Officer and the Council reserves the right to exclude any person from a meeting should they contravene this.

**7. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

7.1 If the Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to the whole of any report, or any part of it, which in his or her opinion relates to items during which, in accordance with Rule Six, the meeting is likely not to be open to the public.

7.2 Such reports (i.e. reports not open to the public) will be marked "Not for publication" together with the category of information likely to be disclosed.

7.3 The Head of Legal and Democratic Services may reverse his or or her ruling in relation to access to a report, or any part of it, at a later date, if, in his/her view, the reasons for the original exclusion to access no longer apply.

## **8 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS OF THE COUNCIL**

8.1 Any documents in the possession or control of the Council which contain material relating to any business to be transacted at a Meeting shall, subject to the provisos below, be open to inspection by any member of the Council.

8.2 A document will not be open to inspection if it appears to the Head of Legal and Democratic Services that it discloses exempt information unless the information is information of a description for the time being falling within:

- paragraph 3 of Schedule 12A to the LGA i.e. category 3 of the table in Rule 6 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), or
- paragraph 6 of Schedule 12A to the LGA i.e. category 6 of the table in Rule 6.

8.3 The Head of Legal and Democratic Services may decline to allow inspection of any document which is or would be protected by legal privilege and should be exempt under either the Freedom of Information Act 2000 or the Data Protection Act 1998.

8.4 A member asking to inspect or requesting a copy of a document under Rule 8.1 should be doing so for the purposes of his or her duty as a member. S/he should not knowingly inspect or request a copy of any such document relating to a matter in which s/he:

- is professionally interested; or
- has a personal and prejudicial interest within the meaning of the Code of Conduct for members.