

## Chapter 1: Access to Information Procedure

### 1.1 Access to information relating to meetings

- (a) This rule applies to all meetings of the Council, whether Full Council, scrutiny and review committee, Cabinet or regulatory committees or subcommittees and does not restrict any more specific rights to information contained elsewhere in the constitution or the law.
- (b) The Council will give at least five clear days notice of any meeting by posting details of the meetings at the reception area of the designated offices.
- (c) The Council will make copies of the agenda and reports available for public inspection at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the designated officer will make each such report available to the public as soon as it is completed and sent to the members.
- (d) The Council will supply copies of.
  - (i) Any agenda and reports which are open to public inspection.
  - (ii) Any further statements or particulars necessary to indicate the nature of the items in the agenda.
  - (iii) If the proper officer thinks fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

The Council will publish the agenda, reports and minutes of all public meetings on its website

### 1.2 Access to documents after meetings

- (a) For six years after a meeting the Council will make available (via its website) copies of:
  - (i) The minutes of the meeting, excluding any part of the meeting which was not open to the public or which disclosed exempt or confidential information.
  - (ii) A summary of all proceedings not open to the public, where the minutes open to public inspection would not provide a reasonably fair and coherent record.
  - (iii) The agenda for the meeting.
  - (iv) Reports relating to items discussed in the open part of the meeting.
- (b) The proper 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 their opinion:

- (1) Disclose any facts or matters on which the report or an important part of the report is based.
  - (2) Has 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)
- (c) 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.

### **1.3 Summary of public rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be made available from the Monitoring Officer at the Council Offices, High Street, Coleford, Gloucestershire GL16 8HG.

### **1.4 Exclusion of access by the public to meetings**

#### ***1.4.1 Confidential information - requirement to exclude public***

The public must be excluded from meetings whenever it is likely, in view of them nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

#### ***1.4.2 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 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.

#### ***1.4.3 Meaning of confidential information***

Confidential information means information given to the Council by a government department on terms that forbid its public disclosure, or information which cannot be publicly disclosed by court order.

#### ***1.4.4 Meaning of exempt information***

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

Information falling within the following paragraphs 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 (General Regulations) Act 1992.

Category	Condition
<p><b>Para. 1.</b> Information relating to any individual.</p>	<p>Information 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.</p>
<p><b>Para. 2.</b> Information that is likely to reveal the identity of an individual.</p>	<p>Information 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.</p>
<p><b>Para. 3.</b> Information relating to the financial business affairs of any particular person (including the authority holding that information).</p>	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and provident Societies Act 1965 to 1978;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 1938.</li> </ul> <p>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.</p>
<p><b>Para. 4.</b> Information relating to consultations or negotiations or contemplated consultations or negotiations in connection with any</p>	<p>Information 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</p>

Category	Condition
labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	information.
<p><b>Para. 5.</b></p> <p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	Information 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.
<p><b>Para. 6.</b></p> <p>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; or</p> <p>(b) to make an order or direction under any enactment.</p>	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable.
<p><b>Para. 7.</b></p> <p>Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime.</p>	Information 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.

## 1.5 Exclusion of access by the public to reports

If the Head of Paid Service thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which 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